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Jan. 1990

MEETING AGENDA  
ENVIRONMENTAL PROTECTION COMMISSION  
WALLACE STATE OFFICE BUILDING  
DES MOINES, IOWA  
January 16-17, 1990

Meeting convenes at 10:00 a.m., January 16, 1990 in the fourth floor conference room and reconvenes on January 17, 8:30 a.m.

Appointments:

David Glasnap - Emmet Co. (Item 16)	2:30 p.m.
Bob Ausberger - Greene Co. (Item 16)	2:40 p.m.
Bud Rottinghaus - Floyd Co. (Item 16)	2:50 p.m.
Wendy Burgess (Item 16)	3:00 p.m.
Break	3:10 p.m.

Meeting reconvenes 8:30 a.m., January 17

- |  |                  |
|--|------------------|
| Break  | 10:00 a.m.       |
| <i>Appointment - City of Lynnville (A.G. Referral)</i>               | <i>2:30 p.m.</i> |
| Public Participation   | 10:30 a.m.       |
| <i>Appointment - Ia. Co. Landfill Representative (A.G. Referral)</i> | <i>2:00 p.m.</i> |
1. Approve Agenda
  2. Approve Minutes of December 11, 1989.
  3. Director's Report. (Wilson) Informational.
  4. Risk Assessment Study - Engineering and Cost of Cleanup. (Combs) Informational.  
*DR. Frank Lawrence and*
    - (a) Mr. Frank Dombrowski, Groundwater Technology
    - (b) ~~Mr. E. Timothy Oppelt~~, U.S. EPA Risk Reduction Engineering Laboratory, Cincinnati, Ohio *DR. Robert Clark*
    - (c) Dr. Steve Schmelling, U.S. EPA Kerr Laboratory, Ada, Oklahoma
  5. Toxic Cleanup Days - 1989 Report. (Hay) Informational.
  6. Notice of Intended Action--Chapter 119, Disposal, Collection, and Reuse of Waste Oil. (Hay) Decision.
  7. Notice of Intended Action--Chapter 118, Removal and Disposal of PCB Capacitors from White Goods. (Hay) Decision.
  8. Financial Status Report. (Kuhn) Informational.
  9. Agreement with University Hygienic Laboratory. (Kuhn) Decision.
  10. Agreement with Department of Agriculture and Land Stewardship. (Kuhn) Decision.
  11. Monthly Reports. (Stokes) Informational.

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12. Private Well Sampling and Abandonment Grants to Counties, FY 91. (Stokes) Decision.
13. State Revolving Fund Intended Use Plan - 1990. (Stokes) Decision.
14. Final Rule--Chapter 41, Water Supplies. (Stokes) Decision.
15. Nationwide Permit #26. (Stokes) Informational.
16. Final Rule--Chapters 60, 61, and 62, Water Quality Standards. (Stokes) Decision.
17. Final Rule--Chapter 22, Air Modeling. (Stokes) Decision.
18. National Emission Standards for Hazardous Air Pollutants (NESHAPS) - Abestos Demolition and Renovation Operations. (Stokes) Informational.
19. Proposed Rule--Air Toxics. (Stokes) Informational.
20. Proposed Rule--Chapter 23, Exemption from Open Burning Regulations. (Stokes) Informational.
- 20A. Proposed Rule--Underground Storage Tank Remediation and Cleanup. (Stokes) Informational.
21. Appeal of Proposed Contested Case Decision--Paul Kloberdanz d/b/a The Mart. (Combs) Decision.
22. Proposed Contested Case Decision--Modern Manor Mobile Home Park. (Combs) Decision.
23. Referrals to the Attorney General. (Combs) Decision.
  - (a) Nozey Habhab, et al. (Fort Dodge)
  - (b) City of Lynnville
  - (c) Iowa County Landfill
  - (d) Alta Vista Homeowners Association (Ames)
24. Legislation (4:00 p.m. Tuesday). (Combs) Informational.
25. General Discussion Items
26. Address Items for Next Meeting.
27. *Proposed Contested Case Decision-- Donald P. Ervin*
28. *Proposed Contested Case Decision--*

NEXT MEETING DATES

February 19-20, 1989  
March 19-20, 1989  
April 16-17, 1989

ENVIRONMENTAL PROTECTION COMMISSION

Wednesday, January 17, 1990

NAME

COMPANY OR AGENCY

CITY

(please print)

Eric Anderson

Spirit Lake IA

BRYAN R. Loop

UPI

DSM, IA

☆ Gary Becker

Pioneer Hi-Bred

Johnston, IA

Robert Mann

City of Newton WPCP

Newton, IA

DANIE FOX

CGA

AMES, IA

R. Ted Payson

VEK Eng.

W. Des Moines

Mike Fitch

City of Marshalltown

Marshalltown Ia

Craig Olson

City of Dubuque

Dean Schade

League of Iowa Municipalities

Des Moines

Reg Becker

PSG - Sioux City

Sy City

John D. Ewell

IDPH - ~~Des Moines~~

DSM

Bob Pascoe

Radio Iowa

Pat Fitch

WPCA

C. R.

David Glasco

Emmet Co Supt

Estherville

BE NETTLETON

Survey Animals HEALTH

CHARLES CITY

Jane McAllister

Ahlus Law Firm

DSM

Robin Fortney

Iowa Power

DM

Don Schulte

Daniel Ostendorf

ENVIRONMENTAL PROTECTION COMMISSION

Wednesday, January 17, 1990

NAME

COMPANY OR AGENCY

CITY

(please print)

Teri Dean	Personal	Carlisle, IA
DAN FRIEDER	IPCA	DES MOINES
Larry Blyth	MSSA	Des Moines
Ed. Kiskumacher	PM of Iowa	Des Moines
John A. Eirson	Harrison County trustees	Mo. Valley
Jack Imche	Pocahontas County, Iowa	Pomeroy, IA
Chuck Becker	Dickerson Law Firm	Des Moines
Kent Severn	League of IA Municipalities	DSM
Tim Rowington	IOWA PUBLIC SERVICE	Sioux City
Don Torney	Iowa County Landfill	Marengo, IA
Oak Schrell	City Lynnville	Lynnville IA
Del Liddell	City Lynnville	Lynnville, Ia.
Fred Behan	Deer	Des Moines

# ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, January 16, 1990

CITY

NAME

COMPANY OR AGENCY

(please print)

DAN VEST	GROWMARK, INC.	BLOOMINGTON, IL.
JANE McALLISTER	ATLERS LAW FIRM	DSM
Shen Wesley	Monsanto Ag.	St. Louis, Mo.
Dale Johnson	Farm Bureau Spokesman	WDM
Gary Rader	Pioneer Hi-Bred	Johnston, IA
John Chamber	self	D.M.
Leri Wear	self	Carlisle, Pa.
Jim Mack	GTI	DM Ia
Hal Jansie	GTI	DM Ia
Martyn Halterman	Iowa Public Service	Carlisle Pa
Tim Rounyon	Davenport	Sioux City
James O'Rourke		Davenport
Frank Weaver	Iowa Power	DM
Kathy Withashu	Metro Solid Waste	Des Moines
DAN FRITZBERG	IECA	DM.
Steph Schmallig	USEPA/ROBT SKERR ENJ. RES. LAB	ADA, OKLAHOMA
		DM

# ENVIRONMENTAL PROTECTION COMMISSION

NAME	COMPANY OR AGENCY	CITY
(please print)		
Craig Olson	City of Dubuque	Dubuque
Bud Rottinghaus	Floyd County Supervisor	Charles City
Eric Anderson	Estherville Land & Gard	Estherville
Robert Main	City of Newton WPCP	Newton
Donald Glatnoff	Emmet Co. Supr	Estherville
Veronica M. Ray		Des Moines
Bill Sutton	M. C. Board of Supervisors	Jefferson
Don Etler	Etler Engr.	Emmetsburg
Red Payson	Veenstra & Keim Inc.	W. Des Moines
Lori Grabeck	Congressman Grady	Saint City
Keith Chambers	Hyg Lab	Jewell

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Minutes of the Environmental Protection Commission Meeting

January 16-17, 1990

Wallace State Office Building, Des Moines, Iowa



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January 1990

Environmental Protection Commission Minutes

JANUARY 1990 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:00 a.m. on January 16, 1990.

MEMBERS PRESENT

Mike Earley (January 17), William Ehm, Richard Hartsuck, Rozanne King, Charlotte Mohr, Margaret Prahl, Gary Priebe, Nancy Lee Siebenmann, and Clark Yeager.

MEMBERS ABSENT

Mike Earley (January 16)

ADOPTION OF AGENDA

The following items were added to the agenda:

Proposed Contested Case Decision--Donald P. Ervin  
Proposed Contested Case Decision--Howard R. McKee

Appointments:

Iowa County Landfill representative - January 17, 2:00 p.m.  
City of Lynnville representative - January 17, 2:30 p.m.

Motion was made by William Ehm to approve the agenda as amended. Seconded by Rozanne King. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Margaret Prahl to approve the minutes of December 11, 1989 as presented. Motion carried unanimously.

Chairperson Mohr reminded the Commission that the Water Quality Standards item and the ~~Sioux~~ Line referral were tabled last month  
800

and they would have to be removed from the table in order to act on them.

*Motion was made by Margaret Prahl to remove the previously stated items from the table for discussion later. Seconded by Richard Hartsuck. Motion carried unanimously.*

#### DIRECTOR'S REPORT

Director Wilson distributed copies of the department's report entitled "Office Wastepaper Recycling Program Compliance and Recycled Paper Usage." Also distributed was the December, 1989 Financial Report Analysis and letters from Creston and the Monona County Board of Supervisors in regards to the Water Quality Standards rule.

Director Wilson briefed the Commission on the procedure for the Legislative Reception to be held at the Botanical Center.

#### RISK ASSESSMENT STUDY

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

The January 16th Commission hearing will focus on the engineering and cost of clean-up. Three presentations will be made.

Mr. Frank Dombrowski, Groundwater Technology, a private consulting firm with offices in Iowa. Groundwater Technology has experience in application of risk assessment at contaminated sites.

Mr. E. Timothy Oppelt (or someone from his staff), U.S. EPA, Cincinnati, Ohio, Risk Reduction Engineering Laboratory. Cincinnati has expertise in the cost of treating water to various levels.

Dr. Steve Schmelling, U.S. EPA, Ada, Oklahoma, Kerr laboratory. Ada has expertise in the engineering and cost of in-situ clean-up operations.

Mr. Combs stated that the risk assessment presentations will be made by Dr. Frank Lawrence and Mr. Frank Dombrowski of Groundwater Technology, Dr. Steve Schmelling of U.S. EPA Kerr Laboratory in Ada, Oklahoma, and Dr. Robert Clark of U.S. EPA Risk Reduction Engineering Laboratory in Cincinnati, Ohio. He presented background information on each speaker prior to introducing them.

Dr. Frank Lawrence

Dr. Frank Lawrence, medical doctor and toxicologist, thanked the Commission for the opportunity to address them. He distributed a copy of his resume for the Commission's perusal, and gave some personal background information. Dr. Lawrence stated that the purpose for his attendance today is to provide, along with Frank Dombrowski, some information on the process of risk assessment. He noted that a real challenge that the country faces today is to identify those agents and situations which provide true risks to the human or to other species in the environment, and to deal with them in a cost effective manner.

Dr. Lawrence explained the applicability and use of the risk assessment process. He pointed out that risk assessment is the analysis of the danger of any substance, or any event, based on the hazard with empirical ability to produce harm and the probability of exposure in any individual patient or population considerations.

Frank Dombrowski

Frank Dombrowski presented an illustrative case study on some of the theoretical and esoteric concepts covered by Dr. Lawrence in terms of the process. He explained that he took some data that became available from a model developed by the American Petroleum Institute and came up with a two part approach for estimating some long-term total costs for aquifer restoration. Mr. Dombrowski presented cost illustrations on two hypothetical scenarios with worst case type of parameters used.

Following Mr. Dombrowski's presentation, Dr. Lawrence also covered the topics of voluntary risks, occupational risks, and involuntary risks.

A copy of the testimony presented by Dr. Lawrence and Mr. Dombrowski is on file in the department's Records Center.

Dr. Steven Schmelling

Dr. Schmelling presented background information on the Robert S. Kerr Environmental Research Laboratory. He noted that their lab is one of 14 U.S. EPA national research labs and their particular mission is that they are the EPA's center for groundwater research. Another important aspect of their laboratory's work is to transfer the results of their research to EPA headquarters and regional offices, as well as state offices and private individuals.

Dr. Schmelling stated that the experience of groundwater remediation to date has been that it generally takes longer than anticipated, costs more, and in many cases even after the money has been spent, the goal of restoring the groundwater to it's

former use, particularly if it is wanted to meet drinking water standards, may not be attainable. He gave examples of contamination and covered remediation objectives. He presented illustrations of pump and treat bioremediation and related that research on 19 pump and treat systems showed only one was able to restore back to normal. Dr. Schmelling stated that if the goal is to restore to drinking water quality it is not easy to predict costs to clean up. He gave a detailed explanation of remediation processes known as the geologic process, abiotic process, and the biotic process. In conclusion, he noted that the prediction of costs for site cleanup is difficult and uncertain.

Dr. Robert Clark

Dr. Clark distributed a hand-out entitled "Meeting the Drinking Water Standards: The Cost of Risk Reduction." He discussed drinking water regulations, cost estimates for contamination removal and variables that impact those costs, the anticipated timetable for SDWA regulations, and types of MCLs and how MCLs are set. Dr. Clark presented a hypothetical case, using different methods of technology and showing costs at different clean up levels for atrazine and for TCE. In conclusion, Dr. Clark noted that SDWA regulations will affect utilities significantly; that the cost of removal is very site specific; that removal cost will depend on influent and effluent levels, system size, type of technology, and compound type; that final decisions should be based on pilot testing; and that decisions should be made with those factors in mind.

Chairperson Mohr thanked each of the speakers for their contribution.

This was an informational item; no action was required.

TOXIC CLEANUP DAYS - 1989 REPORT

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The 1989 Toxic Cleanup Days Report was submitted to the Governor and General Assembly on January 2, 1990, as required by law. The report contains a brief background on household hazardous materials as well as detailed information on each toxic cleanup day held in Iowa in 1989.

Ms. Hay stated that this report covers the nine events that were held in 1989 around the state and contains the amount of expenses for each event, the amount of waste that was collected, and the results of surveys that were distributed to participants at each of the events. Ms. Hay stated that two more events will be held this spring.

This was an informational item; no action was required.

NOTICE OF INTENDED ACTION--CHAPTER 119, DISPOSAL, COLLECTION AND REUSE OF WASTE OIL

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The Commission is requested to approve the proposed rules concerning the disposal, collection, and reuse of waste oil. The purpose of these rules is to implement 455D.13 of the Iowa Code, which prohibits sanitary landfills from accepting waste oil for final disposal. In addition, a person offering for sale or selling oil at retail shall either accept waste oil from customers or post notice of locations where a customer may deposit waste oil. The proposed rules:

- encourage the recycling of waste oil by allowing sanitary landfills to collect waste oil if its ultimate disposition is for recycling and reuse.
- establish operating requirements for waste oil collectors including tank design and collection supervision.
- require oil retailers to post signs encouraging the collection of waste oil for recycling.
- require oil retailers who choose not to collect waste oil to post signs identifying a conveniently located collection site.
- encourage cooperation among retailers to identify waste oil collection sites.
- requires the Waste Management Authority Division to promote the collection of waste oil for recycling through public education efforts.
- encourage state procurement and purchase of recycled oil products.

The rules have been modified to address some of the concerns expressed at the December meeting. All references to a maximum size container used by individuals have been eliminated. "Hours of collection convenient for the customer" have been changed to "normal business hours." Other minor changes were also made.

Ms. Hay stated that a few changes were made to the rule based on comments from Commissioner Prahl and Commissioner Priebe at last month's meeting. She further explained those changes.

ENVIRONMENTAL PROTECTION COMMISSION [567]  
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455D.6(6) and 455D.7(1) (1989 Iowa Acts, House File 753), and 455B.304, the Environmental Protection Commission of the Department of Natural Resources intends to adopt Chapter 119, "Waste Oil," Iowa Administrative Code.

These rules are intended to regulate the disposal and collection of waste oil, as well as to encourage the recycling and reuse of waste oil by both the private and public sectors.

Any interested person may file written comments or suggestions on the proposed rules through March 13, 1990. Such written comments should be directed to Robert Craggs, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

Persons may also contact Robert Craggs by phone at 515/281-8408. In addition, persons are invited to present oral or written comments at public hearings which will be held on March 14, 1990 at 1:30 p.m. in the fifth floor west conference room of the Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa; on March 15, 1990 at 1:30 p.m. at the Iowa Geological Survey, Trowbridge Hall, 123 North Capitol, Iowa City, Iowa; and on March 16, 1990 at 7:30 p.m. at the Council Bluffs Community Hall, 205 South Main, Council Bluffs, Iowa.

Copies of the proposed rules may be obtained from the Records Section, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

In accordance with Iowa Code section 17A.31, notice is hereby given that these rules may have an impact on small businesses.

These rules are intended to implement Iowa Code section 455D.6(6) and section 455D.13, and 455B Division IV, Part I.

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Chapter 119  
Proposed Rules on Waste Oil

567--119.1(455D, 455B) Authority, purpose, and applicability.

119.1(1) Authority. Pursuant to Iowa Code sections 455D.7(1), 455D.6(6), and 455B.304, the Environmental Protection Commission is given the authority to adopt rules regulating the disposal, collection, and reuse of waste oil.

119.1(2) Purpose. The purpose of these rules is to protect the public health and the environment by regulating the disposal and collection of waste oil and to promote the reuse of oil which is a limited energy resource.

119.1(3) Applicability. The provisions of this chapter apply to oil retailers, sanitary disposal project permittees, and persons involved in the collection of waste oil.

567--119.2(455D, 455B) Definitions. The following definitions apply to the provisions of this chapter:

"Consumer" means any individual who purchases oil or generates waste oil for personal or family purposes, including a farmer or a farm household.

"Contaminated" means waste oil mixed with hazardous waste as defined by the Resource Conservation and Recovery Act or with incompatible wastes, including but not limited to antifreeze, solvents, paints, pesticides, or household hazardous materials. Minimal amounts of vehicle fuel shall not be considered an incompatible waste.

"Department" means the department of natural resources.

"Division" means the waste management authority division of the department.

"Lubricating oils" means engine lubricating oils, hydraulic fluids and gear oils, excluding marine and aviation oils.

"Recycling" means the preparation of used oil for reuse as a petroleum product by rerefining, reprocessing, reclaiming, or other means or to use used oil as a substitute for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all federal and state laws.

"Retailer" means a person offering for sale or selling a petroleum-based or synthetic oil to the ultimate consumer or user of the product, as an over-the-counter product or whereby the consumer is charged separately for the oil product when coupled with a service.

"Tank" means a stationary device designed to contain an accumulation of waste oil and constructed of nonearthen materials (e.g., concrete, steel, plastic) that provide structural support.

"Waste oil" means any petroleum-based or synthetic oil which through its use, storage, or handling has become contaminated with chemical or physical impurities or is no longer suitable for its original purpose. Waste oil includes but is not limited to the following:

- 1) Spent lubricating fluids which have been removed from an engine crankcase, transmission, gearbox, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine.

- 2) Spent industrial oils, including compressor, turbine, bearing, hydraulic, metalworking, electrical, and refrigerator oils.

Waste oil does not include oil which has been contaminated or contains PCBs of 5ppm or greater.

"Waste oil collection site" means any commercial, municipal, or nonprofit establishment or operation which has a waste oil collection tank on the

premises, and accepts waste oil for temporary storage prior to the recycling of that which is collected.

"Waste oil collector" means any sanitary landfill operator, sanitary disposal project operator, oil retailer, or other individual who operates a waste oil collection site.

567--119.3(455D, 455B) Prohibited disposal.

119.3(1) Waste oil shall not be accepted for final disposal at any sanitary landfill. However, a sanitary landfill or sanitary disposal project, as defined in section 455B.301 of the Iowa Code, may accept waste oil for temporary storage or collection if the ultimate disposition of the oil is for recycling. All necessary permits or permit conditions must be obtained prior to the storage or collection of waste oil at these landfills and projects.

119.3(2) Waste oil may continue to be used for road oiling, dust suppression, and weed control in accordance with Chapter 143.

567--119.4(455D, 455B) Operational requirements.

119.4(1) Collection. Sanitary landfill operators, sanitary disposal project operators, commercial waste oil collectors, oil retailers, or other individuals who choose to collect waste oil from customers shall comply with the following requirements:

a) Waste oil shall be accepted which is contained in a closed, unbreakable, preferably reusable, container.

b) Waste oil collectors shall provide supervision of the collection process to minimize the risk of spills and to prevent customers from depositing contaminated waste oil into the collection tank. During non-collection hours, the tank must be secured to prevent the contamination of the collected waste oil.

c) Waste oil shall be accepted during normal business hours.

d) A sign shall be placed on or near the waste oil collection tank which includes the information that this tank is for waste oil collection only and the depositing of other materials is prohibited.

e) Collectors of waste oil shall ensure that the ultimate disposition of waste oil collected is for recycling and reuse.

f) There is no obligation to accept contaminated oil from the consumer.

g) Waste oil collectors shall comply with Iowa Code Section 455B.386 when actual or imminent oil spills pose a threat to the public health or the environment.

119.4(2) Retailers. In addition to the above requirements relating to waste oil collection, retailers also shall comply with the following:

a) A sign shall be placed near the point of sale which informs the customer that it is unlawful to dispose of waste oil at a sanitary landfill, and that customers should return their waste oil to waste oil collection sites for recycling and reuse.

b) Retailers who choose to collect waste oil shall accept waste oil generated by residential households or farmers, but are not required to collect waste oil generated by commercial or municipal establishments.

c) Retailers who choose not to collect waste oil shall post a durable, legible sign at least 8-1/2" by 11" in size and containing the following information:

1) The language "RECYCLE USED OIL" in bold lettering;

2) A list of the benefits from recycling waste oil including but not limited to "conserves energy, reuses limited resources, and protects Iowa's drinking water;"

3) At least two inches in length, the federal environmental protection agency's oil recycling symbol as shown below;



4) The language "used oil is a household hazardous material" and, at least two inches in length, the household hazardous materials program symbol as shown below;



5) The Groundwater Protection Hotline telephone number referenced as a source for more information on used oil recycling;

6) The warning that the disposal of waste oil in a landfill, or its deposit or discharge into any state waterway is unlawful.

7) The name, address and location of at least one used oil collection site located within the county in which the retailer is located. If there is more than one used oil collection site located in the applicable county, then the nearest collection site shall be listed on the posted sign.

Retailers shall ensure that the mandated signs are located according to the provisions listed above. Retailers may obtain the required signs upon request from the department. Retailers choosing to print and post their own signs must obtain a variance from the departmental rules. Signs must be at least 8-1/2" by 11" in size and contain the information stipulated above. To request a variance, retailers should forward to the division for review the sign they wish to substitute for the departmental sign.

567--119.5(455D, 455B) Tanks.

119.5(1) Above-ground. In addition to the requirements imposed by the Office of the State Fire Marshal, the following standards are applicable to above-ground waste oil collection tanks:

a) The tank shall be of sufficient size to handle the projected quantities of used oil to be returned to this specific collection site.

b) The tank shall be designed and maintained to prevent the spillage or discharge of waste oil. Tanks must be set upon a layer of sand at least three inches thick or upon an impermeable surface engineered to contain potential spills.

c) Absorbent material shall be available at the tank site for use by the operator to control waste oil spillage or discharge.

d) The tank shall have a level gauge or some other adequate means for checking the oil level within the tank.

e) The tank shall be constructed of a non-corrosive material, or treated as to make the tank non-corrosive.

119.5(2) Underground. Underground storage tanks used to collect or store waste oil shall comply with the standards in Part 8 of Division IV of Iowa Code Chapter 455B, entitled "Underground Storage Tanks," and the promulgated rules, Iowa Administrative Code, Chapters 567--135 and 136.

567--119.6(455D, 455B) Locating collection sites. If the retailer is unaware of any locations within the county where waste oil is being accepted from customers, then the retailer shall cooperate with other retailers to identify

a waste oil collection site for customers. To identify a waste oil collection site, retailers should consider recruiting an operator of a facility which already has the means to collect waste oil. If through this cooperative effort no sites can be identified, then the retailer should consider accepting waste oil from customers according to the standards listed in this chapter.

567--119.7(455D, 455B) Waste management authority division responsibilities.

119.7(1) Groundwater Protection Hotline. The division will promote the recycling of used oil through the continued staffing of the groundwater protection hotline. Staff will provide general information, distribute written materials concerning waste oil recycling, and maintain an updated, statewide list of waste oil collection facilities. Using the Groundwater Protection Hotline, customers should contact division staff to determine environmentally acceptable disposal methods for contaminated waste oil.

119.7(2) County coordinators. The division will designate, when feasible, waste oil recycling coordinators for each county to promote waste oil recycling, to identify existing waste oil collection sites, and to help establish additional collection sites.

567--119.8(455D, 455B) State procurement. All state officials shall promote the procurement and purchase of lubricating oils and other petroleum products that are made from recycled oils. Recycled oils which meet state specifications are recommended for use as engine lubricants in state vehicles, as hydraulic and gear lubricants for heavy equipment and machinery, and as a fuel oil for back-up heating systems at state facilities with fuel oil heating systems.

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Date

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Larry J. Wilson, Director

(A:EP119.MIN/363-89/pg)

*Motion was made by Margaret Prahl to approve Notice of Intended Action--Chapter 119, Disposal, Collection, and Reuse of Waste Oil. Seconded by Gary Priebe. Motion carried unanimously.*

NOTICE OF INTENDED ACTION--CHAPTER 118, REMOVAL AND DISPOSAL OF POLYCHLORINATED BIPHENYLS (PCB) CAPACITORS FROM WHITE GOODS

Intended Action--Chapter 118 Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The Commission is requested to approve the proposed rules on the removal and disposal of Polychlorinated Biphenyls (PCB) capacitors from white goods for filing as a Notice of Intended Action. The purpose of these rules is to implement 455B.304 and 455D.6(6) (House File 753). The proposed rules:

- require that facilities which remove PCB capacitors register with the Department by submitting a written description of the removal site.
- requires the Department to maintain the register of removal facilities and provide copies to the public upon request.
- requires that the removal site meet Federal OSHA standards for PCB handling in order to have the facility included on the registry.
- exempts facilities which remove less than 200 lbs of capacitors in one month but no more than 500 lbs per year.
- requires that all white goods are inspected and all capacitors removed before shredding, compacting, crushing, or similar processing.
- requires that all PCB capacitors be sent to an EPA approved waste disposal facility.

The proposed rules contain information on the storage of PCB capacitors.

(Notice of Intended Action is shown on the following 3 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]  
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304 and 455D.6(6) (1989 Iowa Acts, House File 753), the Environmental Protection Commission of the Department of Natural Resources intends to adopt new Chapter 118, "Removal and Disposal of Polychlorinated Biphenyls from White Goods Prior to Processing," Iowa Administrative Code.

These rules pertain to the environmentally safe removal and disposal of electrical parts of white goods which contain polychlorinated biphenyls prior to any processing or metals recovery.

Any interested person may file written comments or suggestions on the proposed rules through March 16, 1990. Such written materials should be directed to Susan Miller, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034. Comments may be made by telephone by calling 515/281-5814. Persons are also invited to present oral or written comments at public hearings which will be held on March 14, 1990 at 1:00 p.m. in the fifth floor west conference room at the Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa; on March 15, 1990 at 1:00 p.m. at the Iowa Geological Survey, Trowbridge Hall, 123 North Capitol, Iowa City, Iowa; and on March 16, 1990 at 7:00 p.m. at the Council Bluffs Community Hall, 205 South Main, Council Bluffs, Iowa.

Copies of the proposed rules may be obtained from the Records Section, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034.

In accordance with Iowa Code section 17A.31, notice is hereby given that these rules may have an impact on small businesses.

These rules are intended to implement Iowa Code section 455B.304 and 455D.6, 1989 Iowa Acts, House File 753.

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ITEM 1. Adopt new Chapter 118.

Proposed Rules on Removal and Disposal of Polychlorinated  
Biphenyls (PCBs) from White Goods Prior to Processing

567--118.1(455B and 455D) Purpose. The purpose of this rule is to implement Iowa Code section 455B.304 and 455D.6(6) by providing regulations for the proper removal and disposal of electrical parts containing polychlorinated biphenyls from white goods prior to processing.

567--118.2(455B and 455D) Definitions.

"Capacitor" means a device for accumulating and holding a charge of electricity and consisting of conducting surfaces separated by a dielectric.

"Facility" refers to any permitted sanitary disposal project, salvage dealer, shredder operation or other party which may accept white goods for disposal or processing.

"Fluff" is the residual waste from the shredding operation after metals recovery.

"PCB" and "PCBs" mean any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substance.

"Processing" means crushing, compacting, smashing, shredding, or other similar action.

"White goods" means appliances including, but not limited to, refrigerators, freezers, air conditioners, central heating/air conditioning units, washers, dryers, microwave ovens and fluorescent light fixtures.

567--118.3(455B and 455D) Removal and disposal requirements.

118.3(1) Registration of capacitor removal and storage facility.

a. Any facility that is now or plans to be engaged in the removal of PCB capacitors from white goods must register by submitting a written description of the removal and storage site to the Department of Natural Resources which will maintain that list and provide copies to interested parties upon request.

b. The removal and storage site must comply with federal OSHA standards for PCB handling in order for the facility to be included on the registration list.

c. Exemptions. Any person or facility that removes less than 200 pounds of capacitors in one month, but no more than 500 pounds in one year, is exempt from the registration requirement but is not exempt from the remaining regulations on removal and disposal of capacitors, handling of spills or shredding of white goods.

d. Permitted sanitary disposal projects must comply with permit conditions pertaining to activities governed by this chapter.

118.3(2) Removal of capacitors.

a. All white goods must be inspected for the presence of capacitors.

b. All capacitors are assumed to contain PCBs unless proven otherwise by an approved laboratory or unless the words "No PCBs" has been imprinted on the body of the capacitor by the manufacturer.

c. All capacitors must be removed from all white goods prior to processing and disposed of in accordance with subrule 118.3(3) with the exception of any capacitor which is proven not to contain PCBs that may be disposed of as any other non-hazardous solid waste.

118.3(3) Disposal of capacitors.

a. All capacitors must be placed in 55-gallon containers which show no signs of damage. All interstitial space must be filled with absorbent material (soil, sand, oil-dry, kitty litter, etc.).

b. All containers must be labeled with the proper EPA-approved PCB label.

c. All containers must be sealed prior to shipment.

d. Small capacitors (<3 lbs.) may be stored for up to one year on site in 55-gallon containers provided that: the containers show no signs of rust, cracking or dents; the containers are properly labeled with EPA PCB label; the storage area is separated and delineated from any other non-hazardous storage area; and the capacitors show no sign of cracks or leaks (cracks or leaks are treated as spills).

e. All capacitors must be transported to and disposed of at a waste disposal facility approved by the EPA for PCBs.

f. Sealed containers of capacitors may be transported by the owner or by a licensed hazardous waste transporter.

118.3(4) Spills. Any spills from leading or cracked capacitors must be handled by placing the capacitor and any contaminated rags, clothing, and/or soil into a container for immediate shipment to an EPA-approved waste disposal facility. In the event of a spill, the facility which handles, stores or transports the PCB-contaminated materials must notify the Department of Natural Resources (515/281-8694), the local police department or the office of the affected county of occurrence of a hazardous condition as soon as possible, but no later than six hours after the onset or discovery of a spill.

118.3(5) Shredding of white goods. Fluff from the shredding of white goods must be sampled quarterly for the presence of PCBs. If the fluff contains <50ppm PCB, it may be landfilled at a permitted landfill under a Special Waste Authorization (SWA) from the Department of Natural Resources. If the fluff contains levels of contamination 50ppm or higher, it must be treated in a manner in accordance with 40 CFR 761.125 on disposal of free-flowing PCBs.

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Date

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Larry J. Wilson, Director

(A:EP118.MIN/332-89/sc)

*Motion was made by Margaret Prahl to approve Notice of Intended Action--Chapter 118, Removal and Disposal of Polychlorinated Biphenyls (PCB) Capacitors from White Goods. Seconded by Gary Priebe. Motion carried unanimously.*

FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the monthly financial status report, year-to-date to the end of December, by division.

— This became available as the agenda briefs were being prepared and has not yet been analyzed. Staff will attempt to review and provide a brief analysis, separately, prior to the meeting.

Staff will provide additional comments and attempt to answer questions at the meeting.

(Report is shown on the following 3 pages)

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	TOTAL EXPENDITURES 12/01/89 - 12/31/89	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR'S OFFICE					223,101.00
101 PERSONAL SERVICES	15,572.24	104,815.21	111,501.00	6,685.79-	40,000.00
202 PERSONAL TRAVEL	6,269.75	19,977.95	17,800.00	2,177.95	1,200.00
301 OFFICE SUPPLIES	494.45	1,251.81	500.00	751.81	1,200.00
303 EQUIPMENT MAINTENANCE SUP	0.00	194.00	500.00	306.00-	120.00
308 OTHER SUPPLIES	0.00	111.92	60.00	51.92	14,120.00
309 PRINTING & BINDING	2,488.45	6,580.55	5,050.00	1,530.55	6,000.00
405 PROF & SCIENTIFIC SERVICE	0.00	29.58	1,500.00	1,470.42-	3,200.00
406 OUTSIDE SERVICES	75.00	572.85	1,250.00	677.15-	4,800.00
410 DATA PROCESSING	160.38	767.44	1,600.00	832.56-	0.00
414 REIMBURSEMENTS TO OTHER A	381.12	381.12	0.00	381.12	4,800.00
501 EQUIPMENT	0.00	2,274.75	2,400.00	125.25-	
DIVISION TOTAL	25,441.39	136,957.18	142,161.00	5,203.82-	298,541.00

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2000 COORDINATION AND INFORMATION					1,481,952.00
101 PERSONAL SERVICES	101,339.64	735,508.30	741,181.00	5,672.70-	45,800.00
202 PERSONAL TRAVEL	5,984.80	19,932.43	20,098.00	165.57-	10,931.00
203 STATE VEHICLE OPERATION	1,704.22	4,285.29	4,554.00	268.71-	17,700.00
204 STATE VEHICLE DEPRECIATIO	2,380.00	6,915.00	7,375.00	460.00-	70,500.00
301 OFFICE SUPPLIES	317.43	42,477.27	29,375.00	13,102.27	16,000.00
302 FACILITY MAINTENANCE SUPP	1,722.10	7,748.51	7,250.00	498.51	12,000.00
303 EQUIPMENT MAINTENANCE SUP	848.24	5,398.83	5,000.00	398.83	500.00
307 AG., CONSERVATION & HORT S	0.00	220.00	250.00	30.00-	28,700.00
308 OTHER SUPPLIES	4,914.99	28,426.68	11,975.00	16,451.68	373,950.00
309 PRINTING & BINDING	38,627.27	141,606.88	169,081.00	27,474.12-	2,850.00
312 UNIFORMS & RELATED ITEMS	546.64	1,711.91	2,103.00	391.09-	9,200.00
401 COMMUNICATIONS	1,566.42	5,709.45	3,831.00	1,878.45	500.00
402 RENTALS	55.00	75.14	0.00	75.14	26,750.00
403 UTILITIES	3,193.24	11,554.07	11,140.00	414.07	86,920.00
405 PROF & SCIENTIFIC SERVICE	15,242.50	41,317.50	56,120.00	14,802.50-	60,000.00
406 OUTSIDE SERVICES	1,415.14	12,228.67	19,250.00	7,021.33-	12,500.00
408 ADVERTISING & PUBLICITY	327.85	4,079.31	0.00	4,079.31	19,600.00
410 DATA PROCESSING	727.01	3,034.09	7,519.00	4,484.91-	5,000.00
414 REIMBURSEMENTS TO OTHER A	861.04	1,227.03	5,000.00	3,772.97-	63,750.00
501 EQUIPMENT	19,915.43	39,821.54	62,550.00	22,728.46-	
DIVISION TOTAL	201,688.96	1,113,277.90	1,163,652.00	50,374.10-	2,345,103.00

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3000 ADMINISTRATIVE SERVICES DIV.					4,041,357.00
101 PERSONAL SERVICES	258,673.86	1,819,055.88	2,016,997.00	197,941.12-	61,400.00
202 PERSONAL TRAVEL	3,402.39	20,529.57	26,925.00	6,395.43-	58,500.00
203 STATE VEHICLE OPERATION	9,724.94	24,935.75	27,070.00	2,134.25-	68,500.00
204 STATE VEHICLE DEPRECIATIO	10,710.00	32,305.00	31,950.00	355.00	340,050.00
301 OFFICE SUPPLIES	62,480.57	197,816.55	165,800.00	32,016.55	1,700.00
302 FACILITY MAINTENANCE SUPP	0.00	108.94	900.00	791.06-	63,390.00
303 EQUIPMENT MAINTENANCE SUP	3,195.22	28,542.73	32,385.00	3,842.27-	12,900.00
308 OTHER SUPPLIES	2,845.89	6,519.51	4,700.00	1,819.51	27,075.00
309 PRINTING & BINDING	4,788.30	10,722.75	12,918.00	2,195.25-	4,200.00
312 UNIFORMS & RELATED ITEMS	231.02	1,035.45	1,600.00	564.55-	221,900.00
401 COMMUNICATIONS	37,642.65	91,070.10	92,745.00	1,674.90-	500.00
402 RENTALS	0.00	109.50	250.00	140.50-	35,950.00
406 OUTSIDE SERVICES	1,814.90	8,368.81	18,765.00	10,396.19-	119,500.00
410 DATA PROCESSING	1,531.24	49,187.87	51,400.00	2,212.13-	11,650.00
414 REIMBURSEMENTS TO OTHER A	2,459.61	4,387.29	4,350.00	37.29	139,350.00
501 EQUIPMENT	7,191.01	46,571.23	69,577.00	23,005.77-	150.00
701 LICENSES	0.00	2.50	50.00	47.50-	
DIVISION TOTAL	406,691.60	2,341,269.43	2,558,382.00	217,112.57-	5,208,072.00

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4000 PARKS, PRES. & RECREATION DIV.	269,482.73	2,629,912.11	2,588,318.00	41,594.11	5,073,170.00
101 PERSONAL SERVICES	3,792.62	22,577.12	51,224.00	28,646.88-	103,709.00
202 PERSONAL TRAVEL	26,493.22	97,068.79	92,497.00	4,571.79	179,776.00
203 STATE VEHICLE OPERATION	33,450.00	106,655.00	137,913.00	31,258.00-	287,369.00
204 STATE VEHICLE DEPRECIATIO	1,981.51	17,010.15	21,655.00	4,644.85-	45,575.00
301 OFFICE SUPPLIES	52,576.01	301,614.72	347,508.00	45,893.28-	692,568.00
302 FACILITY MAINTENANCE SUPP	20,759.14	136,103.62	119,219.00	16,884.62	294,000.00
303 EQUIPMENT MAINTENANCE SUP	170.34	6,047.38	3,537.00	2,510.38	19,500.00
307 AG., CONSERVATION & HORT S	1,504.85	27,312.04	13,258.00	14,054.04	26,944.00
308 OTHER SUPPLIES	14,075.20	16,053.35	48,880.00	32,826.65-	102,339.00
309 PRINTING & BINDING	3,320.57	11,663.38	17,493.00	5,829.62-	48,264.00
312 UNIFORMS & RELATED ITEMS	10,568.26	37,367.32	30,985.00	6,382.32	72,182.00
401 COMMUNICATIONS	706.38	19,306.27	11,595.00	7,711.27	20,490.00
402 RENTALS	33,633.22	167,347.43	126,667.00	40,680.43	293,276.00
403 UTILITIES	4,000.00	6,500.00	14,500.00	8,000.00-	58,045.00
405 PROF & SCIENTIFIC SERVICE	7,908.57	86,658.80	85,620.00	1,038.80	165,332.00
406 OUTSIDE SERVICES	246.69	996.27	2,850.00	1,853.73-	8,000.00
410 DATA PROCESSING	811.67	2,444.58	300.00	2,144.58	1,050.00
414 REIMBURSEMENTS TO OTHER A	44,949.86	117,902.18	122,699.00	4,796.82-	197,730.00
501 EQUIPMENT					
DIVISION TOTAL	530,630.84	3,810,540.51	3,836,718.00	26,177.49-	7,689,319.00

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5000 FORESTRY DIVISION	129,423.21	785,548.32	842,418.00	56,869.68-	1,715,917.00
101 PERSONAL SERVICES	2,531.85	17,159.22	17,884.00	724.78-	39,275.00
202 PERSONAL TRAVEL	15,702.00	37,786.34	38,190.00	403.66-	75,000.00
203 STATE VEHICLE OPERATION	17,930.00	54,415.00	59,110.00	4,695.00-	118,900.00
204 STATE VEHICLE DEPRECIATIO	30,839.13	34,671.64	9,600.00	25,071.64	16,920.00
301 OFFICE SUPPLIES	1,390.57	8,228.30	17,300.00	9,071.70-	31,000.00
302 FACILITY MAINTENANCE SUPP	5,265.12	28,530.01	27,960.00	570.01	58,660.00
303 EQUIPMENT MAINTENANCE SUP	14,814.43	58,130.58	81,950.00	23,819.42-	104,178.00
307 AG., CONSERVATION & HORT S	663.35	5,173.95	15,250.00	10,076.05-	15,900.00
308 OTHER SUPPLIES	2,298.40	4,320.60	10,700.00	6,379.40-	17,931.00
309 PRINTING & BINDING	1,399.32	7,325.44	12,825.00	5,499.56-	14,225.00
312 UNIFORMS & RELATED ITEMS	2,938.05	10,582.98	20,515.00	9,932.02-	44,230.00
401 COMMUNICATIONS	340.00	4,904.42	7,100.00	2,195.58-	17,200.00
402 RENTALS	2,986.39	7,216.53	18,121.00	10,904.47-	37,000.00
403 UTILITIES	3,645.40	8,422.30	23,000.00	14,577.70-	42,800.00
406 OUTSIDE SERVICES	207.20	315.65	500.00	184.35-	600.00
408 ADVERTISING & PUBLICITY	161.08	650.05	600.00	50.05	700.00
410 DATA PROCESSING	105.87	662.37	300.00	362.37	600.00
414 REIMBURSEMENTS TO OTHER A	37,983.88	42,665.79	83,279.00	40,613.21-	98,379.00
501 EQUIPMENT					
DIVISION TOTAL	270,625.25	1,116,709.49	1,286,602.00	169,892.51-	2,449,415.00

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6000 ENERGY & GEOLOGICAL RESOURCES	145,654.29	1,002,336.63	1,074,125.00	71,788.37-	2,143,941.00
101 PERSONAL SERVICES	5,580.78	33,569.24	39,611.00	6,041.76-	77,592.00
202 PERSONAL TRAVEL	3,142.45	10,245.42	14,072.00	3,826.58-	26,540.00
203 STATE VEHICLE OPERATION	4,240.00	12,435.00	11,722.00	713.00	23,442.00
204 STATE VEHICLE DEPRECIATIO	959.57	10,926.76	7,022.00	3,904.76	13,050.00
301 OFFICE SUPPLIES	53.32	709.23	2,300.00	1,590.77-	3,800.00
302 FACILITY MAINTENANCE SUPP	1,665.31	1,828.43	1,400.00	428.43	3,300.00
303 EQUIPMENT MAINTENANCE SUP	280.23	2,097.64	7,400.00	5,302.36-	10,652.00
304 PROF. & SCIENTIFIC SUPPL	3,779.99	24,516.55	15,635.00	8,881.55	28,200.00
308 OTHER SUPPLIES	1,569.95	5,824.02	10,010.00	4,185.98-	24,600.00
309 PRINTING & BINDING	3,154.85	7,871.11	9,285.00	1,413.89-	18,570.00
401 COMMUNICATIONS	175.00	1,110.00	1,050.00	60.00	2,100.00
402 RENTALS	2,115.05	5,197.47	9,849.00	4,651.53-	19,750.00
403 UTILITIES	131,969.94	299,655.63	608,491.00	308,835.37-	1,471,757.00
405 PROF & SCIENTIFIC SERVICE	2,536.15	5,320.83	3,987.00	1,333.83	8,563.00
406 OUTSIDE SERVICES	730.00	3,619.62	4,738.00	1,118.38-	9,856.00
410 DATA PROCESSING	1,146.92	4,020.71	2,676.00	1,344.71	6,162.00
414 REIMBURSEMENTS TO OTHER A	11,004.77	23,495.70	31,306.00	7,810.30-	42,701.00
501 EQUIPMENT					
DIVISION TOTAL	319,758.57	1,454,779.99	1,854,679.00	399,899.01-	3,934,576.00

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7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	370,012.81	2,585,158.85	2,748,798.00	163,639.15-	5,500,002.00
202 PERSONAL TRAVEL	10,170.01	43,552.28	85,230.00	41,677.72-	159,000.00
203 STATE VEHICLE OPERATION	7,199.55	19,311.52	19,520.00	208.48-	43,000.00
204 STATE VEHICLE DEPRECIATIO	9,340.00	28,350.00	32,000.00	3,650.00-	63,000.00
301 OFFICE SUPPLIES	1,407.36	12,661.08	19,334.00	6,672.92-	33,950.00
302 FACILITY MAINTENANCE SUPP	38.71	627.75	1,000.00	372.25-	2,500.00
303 EQUIPMENT MAINTENANCE SUP	570.89	1,132.56	2,750.00	1,617.44-	9,000.00
304 PROF. & SCIENTIFIC SUPPL	0.00	426.80	2,250.00	1,823.20-	24,170.00
308 OTHER SUPPLIES	430.20	7,261.24	10,227.00	2,965.76-	36,150.00
309 PRINTING & BINDING	1,655.15	6,260.85	17,300.00	11,039.15-	35,100.00
312 UNIFORMS & RELATED ITEMS	135.20	682.85	1,500.00	817.15-	2,100.00
401 COMMUNICATIONS	4,969.99	14,426.83	15,200.00	773.17-	35,650.00
402 RENTALS	4,800.04	25,109.74	18,815.00	6,294.74	42,065.00
403 UTILITIES	703.11	3,130.78	4,923.00	1,792.22-	14,145.00
405 PROF & SCIENTIFIC SERVICE	148,844.17	207,779.91	509,295.00	301,515.09-	1,188,200.00
406 OUTSIDE SERVICES	2,312.18	11,558.42	18,067.00	6,508.58-	35,150.00
408 ADVERTISING & PUBLICITY	178.47-	3,403.87	2,500.00	903.87	3,100.00
410 DATA PROCESSING	9,649.28	39,862.71	59,250.00	19,387.29-	137,500.00
414 REIMBURSEMENTS TO OTHER A	2,816.46	3,646.46	7,225.00	3,578.54-	13,950.00
501 EQUIPMENT	21,338.22	125,005.12	283,623.00	158,617.88-	447,350.00
701 LICENSES	0.00	30.00	285.00	255.00-	285.00
DIVISION TOTAL	596,209.86	3,139,379.62	3,859,092.00	719,712.38-	7,797,267.00

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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 12/31/89

PAGE 8

	TOTAL EXPENDITURES 12/01/89 - 12/31/89	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	673,457.01	5,037,434.15	5,092,580.00	55,145.85-	10,130,934.00
202 PERSONAL TRAVEL	28,714.40	158,231.63	168,690.00	10,458.37-	368,865.00
203 STATE VEHICLE OPERATION	75,465.46	218,495.93	240,260.00	21,764.07-	504,255.00
204 STATE VEHICLE DEPRECIATIO	101,440.00	303,230.00	289,732.00	13,498.00	590,706.00
301 OFFICE SUPPLIES	8,888.65	107,428.10	133,026.00	25,597.90-	205,090.00
302 FACILITY MAINTENANCE SUPP	58,754.38	215,178.48	250,592.00	35,413.52-	525,191.00
303 EQUIPMENT MAINTENANCE SUP	28,902.65	192,134.60	215,089.00	22,954.40-	391,174.00
307 AC, CONSERVATION & HORT S	19,288.61	104,127.02	109,393.00	5,265.98-	295,512.00
308 OTHER SUPPLIES	3,517.21	59,869.48	53,032.00	6,837.48	106,213.00
309 PRINTING & BINDING	14,976.00	72,236.10	106,483.00	34,246.90-	167,096.00
312 UNIFORMS & RELATED ITEMS	13,784.01	55,386.30	57,708.00	2,321.70-	128,800.00
401 COMMUNICATIONS	23,745.42	73,208.82	83,121.00	9,912.18-	183,694.00
402 RENTALS	2,597.45	13,965.33	22,901.00	8,935.67-	48,750.00
403 UTILITIES	17,484.34	74,452.74	92,592.00	18,139.26-	220,306.00
405 PROF & SCIENTIFIC SERVICE	14,946.01	81,321.09	134,836.00	53,514.91-	241,968.00
406 OUTSIDE SERVICES	6,849.82	93,831.79	75,391.00	18,440.79	143,616.00
408 ADVERTISING & PUBLICITY	56.16	11,386.72	3,760.00	7,626.72	5,300.00
410 DATA PROCESSING	2,515.36	32,112.71	20,750.00	11,362.71	42,500.00
414 REIMBURSEMENTS TO OTHER A	11,751.57	14,533.79	48,100.00	33,566.21-	96,250.00
501 EQUIPMENT	41,014.54	104,043.86	178,046.00	74,002.14-	298,961.00
602 OTHER EXPENSES & OBLIGATI	450.00	1,250.00	300.00	950.00	600.00
701 LICENSES	25.00	120.00	85.00	35.00	170.00
DIVISION TOTAL	1,148,624.05	7,023,978.64	7,376,467.00	352,488.36-	14,695,951.00

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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 12/31/89

PAGE 9

	TOTAL EXPENDITURES 12/01/89 - 12/31/89	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	27,556.30	175,519.97	187,044.00	11,524.03-	374,082.00
202 PERSONAL TRAVEL	2,002.78	16,242.14	11,132.00	5,110.14	22,000.00
301 OFFICE SUPPLIES	612.00	4,965.58	3,162.00	1,803.58	6,325.00
308 OTHER SUPPLIES	0.00	844.61	3,415.00	2,570.39-	7,000.00
309 PRINTING & BINDING	1,555.05	4,741.20	11,092.00	6,350.80-	27,200.00
406 OUTSIDE SERVICES	2,494.93	5,441.86	2,994.00	2,447.86	6,000.00
410 DATA PROCESSING	229.60	924.95	2,994.00	2,069.05-	6,000.00
414 REIMBURSEMENTS TO OTHER A	7,133.73	7,188.42	5,575.00	1,613.42	12,150.00
DIVISION TOTAL	41,584.39	215,868.73	227,408.00	11,539.27-	460,757.00

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Mr. Kuhn explained various items in the report. He mentioned that in the Administrative Services Division, the Fish & Wildlife Division, and the Parks & Preserves Division, there are some errors in the budget figures. It was simply a matter of the system being somewhat unfriendly and staff not noticing beforehand.

Discussion followed regarding various items in the report, particularly vacancies and salaries in the Environmental Protection Division.

Margaret Prah1 suggested that the department point out to the legislature the need to look at certain targeted positions and increase the base salary in order to get qualified employees.

This was an informational item; no action was required.

#### AGREEMENT WITH UNIVERSITY HYGIENIC LABORATORY

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve the FFY 1990 Agreement with the University Hygienic Laboratory. The agreement covers air quality monitoring and reporting, water quality monitoring-both ambient and compliance, analyses and reporting for the drinking water program and provisions for analyses for the underground storage tank and uncontrolled sites programs.

PROGRAM	COSTS
Air Quality	\$232,794.00
Water Quality	300,960.00
Drinking water	64,225.00
Underground Storage Tanks	per sample
Uncontrolled Sites	per sample

Mr. Kuhn explained the agreement in detail and discussion followed.

A copy of the complete agreement is on file in the department's Records Center.

*Motion was made by William Ehm to approve the Agreement with the University Hygienic Laboratory for monitoring and reporting on the Air Quality, Water Quality, Drinking Water, Underground*

*Storage Tanks, and Uncontrolled Sites Programs. Seconded by NancyLee Siebenmann. Motion carried unanimously.*

AGREEMENT WITH DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve the agreement with the Department of Agriculture and Land Stewardship to aid the DNR in determining the point and nonpoint source pollution problems and pollution control needs of 29 lakes. In 1989 the DNR received a grant from the US EPA to update the data base on lakes in Iowa. This agreement will help to identify the factors affecting lake water quality and assist DNR and other agencies to prepare implementation plans for the lakes studied. (Implementation plans outline specific control measures, costs and assistance programs for each lake)

The total cost of the lake assessment work to be done is \$191,000. The agreement with DALS is for \$80,000 with DNR providing \$40,000 and DALS providing \$40,000.

Mr. Kuhn explained the agreement and discussion followed.

A copy of the complete agreement and a list of the 29 affected lakes is on file in the department's Records Center.

*Motion was made by Margaret Prah1 to approve the agreement with the Department of Agriculture and Land Stewardship to aid DNR in determining the point and nonpoint source pollution problems and pollution control needs of 29 lakes. Seconded by William Ehm. Motion carried unanimously.*

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report

4. Enforcement Status Report

5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 11 pages)

January 1990

## Environmental Protection Commission Minutes

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
January 1, 1990

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 22 - Controlling Air Pollution	10/16/89	11/15/89	12/05/89	11/27/89 11/28/89 12/06/89	1/16/90	*1/16/90	*2/07/90	*3/14/90
2. Ch. 25 and 30 - Toxic Air Emissions	*2/19/90	*3/21/90	*4/90	*4/90	*5/90	*5/90	*6/90	*7/90
3. Ch. 39 - Plugging Abandoned Wells	10/16/89	11/15/89	12/05/89	12/11/89 12/12/89 12/13/89	*2/19/90	*2/19/90	*3/21/90	*4/25/90
4. Ch. 41 - Public Water Supplies	8/21/89	9/20/89	10/10/89	10/10/89 10/11/89 10/12/89	1/16/90	*1/16/90	*2/07/90	*3/14/90
5. Ch. 60-62 - Water Quality Standards	7/17/89	8/09/89	9/11/89	8/29/89 8/30/89 8/31/89 9/06/89	1/16/90	*1/16/90	*2/07/90	*3/14/90
6. Ch. 101.3 - Farm Waste Rules	10/16/89	11/15/89	12/05/89	12/05/89 12/06/89 12/07/89	*2/19/90	*2/19/90	*3/21/90	*4/25/90
7. Ch. 118 - Removal and Disposal of PCBs from White Goods Prior to Processing	1/16/90	*2/07/90	*2/90	*3/14/90 3/15/90 3/16/90	*4/90	*4/90	*5/90	*6/90
8. Ch. 119 - Waste Oil	1/16/90	*2/07/90	*2/90	*3/14/90 3/15/90 3/16/90	*4/90	*4/90	*5/90	*6/90

\*Projected

## MONTHLY VARIANCE REPORT

Month: December, 1989

No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Winterset, City of	Air Quality		Landscape Waste	Denied	12/01/89
2.	Grand Mound, City of	Wastewater Construction	Shoemaker & Haaland	Organic Loading - Lagoons	Approved	12/06/89
3.	Bankston, City of	Wastewater Construction	IIW Engineers & Surveyors	Intermittent Sand Filter Pipelines	Denied	12/07/89
4.	Clayton County	Flood Plain	County Engineer	Percent Length Reduction	Approved	12/01/89
5.	Clay County Culvert	Flood Plain	County Engineer	Backwater	Approved	12/22/89

# Environmental Protection Commission Minutes

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## TOPIC: Report of Hazardous Conditions

During the period DECEMBER 1, 1989 through DECEMBER 31, 1989, reports of 65 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
12/02/89 CERRO GORDO	A diesel train engine derailed and overturned in a creek, causing approximately 150 gallons of lube oil and 100 gallons of diesel fuel to spill into the creek.	Chicago & Northwestern Transportation Co. P.O. Box 201 Mason City, Iowa 50401	Contaminated soil was excavated for disposal (8 tandem truck loads). Approximately 2500 gallons of oil/water mixture was pumped out of creek for recycling. Creekbanks were stabilized to prevent erosion.
12/19/89 STORY	A padmounted electric transformer was hit by a vehicle, resulting in a spill of 30 gallons of transformer oil.	Ames Municipal Electric 2208 Edison Ames, Iowa 50010	Area of spill was covered and secured. Sample of oil was sent for lab analysis of PCB content. Percentage of PCB in oil will dictate cleanup method(s) employed.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1989

Substance Type						Mode				
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
OCT	89	62	10	17	52	3	10	1	1	22
NOV	57	36	4	17	39	1	10	2	0	5
DEC	65 (44)	43 (21)	4 (3)	18 (20)	32 (29)	3 (0)	9 (9)	3 (1)	2 (1)	16 (4)

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## REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of December 1, 1989 through December 31, 1989, the following number of releases from underground storage tanks were identified.

58 (34)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1988.

## Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Farmers Savings Bank and Victorian Inn, Victor (6)	Wastewater	Monitoring/Reporting, Discharge Limits	Order	11/30/89
Joe Villinger, West Point (6)	Solid Waste	Open Dumping	Order/Penalty	11/30/89
Stringtown Country Cafe, Lenox (4)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	11/30/89
Sioux By-Products Co., Sioux City (3)	Air Quality	Construction Without Permit	Order/Penalty	12/01/89
Victor Carlson, Fort Dodge (2)	Air Quality	Open Burning	Order/Penalty	12/08/89
James Richard Morrow, Wayland (6)	Air Quality Solid Waste	Open Burning Open Dumping	Order/Penalty	12/08/89
Wellendorf Trust, Algona (2)	Air Quality Solid Waste	Open Burning Open Dumping	Order/Penalty	12/08/89
American Meat Protein Corporation, Lytton (3)	Air Quality	Construction Without Permit	Order/Penalty	12/08/89
George J. Heitland d/b/a Heitland Construction Company, Franklin Co. (2)	Solid Waste	Open Dumping	Order/Penalty	12/08/89
Monfort, Inc. Des Moines (5)	Wastewater	Prohibited Discharge	Referred to AG	12/11/89
Giametta, Dominic d/b/a Fred's 66, Davenport (6)	Underground Tank	Remedial Action	Referred to AG	12/11/89
River City Ready-Mix, Inc., Mason City (2)	Air Quality	Construction Without Permit	Order/Penalty	12/15/89

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Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Mount Pleasant Municipal Utilities (6)	Air Quality	Emission Standards - Particulate	Order	12/15/89
Linden Water Supply (5)	Drinking Water	MCL - Fluoride	Order	12/15/89
Custom Blenders of Iowa, Ft. Dodge (2)	Air Quality	Construction Without Permit	Order	12/20/89
Midwest Mining, Inc., Harrison Co. (4)	Flood Plain	Construction Without Permit	Order/Penalty	12/20/89
Thompson Water Supply (2)	Drinking Water	Reporting/Monitoring - Nitrate and Other Inorganics	Order/Penalty	12/20/89
Gladbrook, City of (5)	Drinking Water	Construction Without Permit	Order/Penalty	12/20/89
Grundy County Landfill Commission, Grundy Center (2)	Solid Waste	Cover Violations	Order/Penalty	12/20/89
Ruth Ann Coe, Mason City (2)	Air Quality Solid Waste	Open Burning Open Dumping	Order/Penalty	12/20/89
Iowa Army Ammunition Plant, Middletown (6)	Solid Waste	Operation Without Permit	Order	12/20/89
Howard R. McKee, Harrison County (4)	Solid Waste	Open Dumping	Order/Penalty	12/20/89
Estherville, City of (3)	Wastewater	Discharge Limits	Order	12/28/89

## Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Handi-Klaspp, Inc. (Webster City)	WW/HC	1,000	8-02-88
Soo Line Railroad Company (Mason City)	HC	1,000	8-07-89
Nozey & Mildred Habbab/John F. Constable (Ft. Dodge)	AQ	1,000	10-17-89
Alta Vista Homeowners Assoc. (Ames)	WS	200	11-30-89
Timber Lake Estates (Swisher)	WS	100	1-01-90
DeWitt Moose Lodge (DeWitt)	WS	200	1-06-90
American Coals Corp. (Marion County)	SW/AQ	1,000	1-10-90
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Clutier Water Supply	WS	500	1-22-90
Trellex Morse, Inc. (Keokuk)	AQ	900	1-30-90
Stringtown Country Cafe (Lenox)	WS	200	2-01-90
Joe Villinger (West Point)	SW	500	2-01-90
Sioux By-Products Co. (Sioux City)	AQ	500	2-05-90
Pony Creek Homeowners Assoc. #1 (Pacific Junction)	WS	200	2-08-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Victor Carlson (Ft. Dodge)	AQ	1,000	2-13-90
George J. Heitland (Heitland Const.) (Franklin Co.)	SW	600	2-13-90
River City Ready-Mix, Inc. (Mason City)	AQ	400	2-19-90
Grundy County Landfill Commission (Grundy Center)	SW	600	2-23-90
Ruth Ann Coe (Mason City)	AQ/SW	1,000	2-26-90
Gladbrook, City of	WS	700	2-26-90
Midwest Mining, Inc. (Harrison Co.)	FP	800	2-27-90
Thompson Water Supply	WS	200	2-28-90
James R. Morrow, d/b/a Morrow Sawmill (Wayland)	AQ/SW	1,000	----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Shelter Shield (Buffalo Center)	AQ	1,000	12-03-86
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
McCabe's Supper Club (Burr Oak)	WS	335	12-14-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89

\*On Payment Schedule

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*Lawrence Payne (Ottumwa)	SW	425	6-19-89
Stan Moser (Hudson)	SW	250	6-27-89
Gilbert John Fjone (Swaledale)	SW	400	7-04-89
Glenn C. Seveck (Mason City)	SW	400	7-17-89
Richard Kleindolph (Muscatine)	SW	500	8-17-89
Robert Fisch (Manchester)	AQ	600	9-01-89
Jeffrey Allen Miller (Shell Rock)	SW	1,000	9-09-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Arthur Gross (West Union)	FP	300	10-23-89

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Thomas E. Lennon (Barnum)	FP	700
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Poland (Decatur)	FP	800
Land O' Lakes, Inc. (Ellsworth)	WW	1,000
City of Marcus	WS	1,000
Superior-Ideal, Inc. (Oskaloosa)	WW	1,000
IBP, inc. (Columbus Junction)	WW	600
Fred's 66 (Davenport)	HC	1,000
King's Terrace Mobile Home Court (Ames)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WS	315
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700
Amoco Oil Co. (West Des Moines)	UT	1,000
Paul Klorberdanz d/b/a The Mart (Danville)	UT	1,000
Circle Hill Farms, Ltd. (Ellsworth)	SW	600
Cozy Cafe (Lucas)	WS	500
East Side Acres (Moville)	WS	600
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Donald P. Ervin (Ft. Dodge)	SW	1,000
Monty Branstad (Leland)	AQ	400
Craig Natvig (Cerro Gordo Co.)	SW	1,000
4 E's Farm, Inc. (Algona)	SW	600
Manson Water Supply	WS	500
Iowa Public Service (Sioux City)	AQ	600
Tin Shed (Argyle)	WS	1,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
City of Des Moines	WW	1,000
Des Moines Metro Solid Waste Agency	SW	1,000
Bill Mitchell Swine Service, Inc. (Madison Co.)	WW	100
Wee Willy's (Quasqueton)	WS	497
Hickory Estates (Donahue)	WS	75
Milo Chalfant, et. al. (Webster City)	SW	216
American Meat Protein Corp. (Lytton)	AQ	150
Modern Manor Mobile Home Park (Iowa City)	WS	150

TOTAL \$3,188

\*On Payment Schedule

## Environmental Protection Commission Minutes

January 1990

## ADMINISTRATIVE PENALTY SUMMARY

01-01-90

The table below summarizes administrative penalty assessments since July, 1988. The first column of this table is a rough breakdown of the environmental program and violation types for which penalties have been assessed. The middle columns state the dollar amounts collected during the stated time periods, and the number of cases in parentheses. The last column states similar data for cases still pending as of January, 1990 (penalties appealed, delinquent or assessed but not yet due).

Violation Type	FY-89	FY-90 2nd Qtr	TOTAL FY90	PENDING
WW Discharge	\$ 7,355 (07)	\$ 2,900 (04)	\$ 4,600 (06)	\$ 4,000 (04)
WW Monitoring	4,450 (09)	---	---	1,000 (01)
WW Other	4,172 (07)	---	---	2,600 (03)
SW Permit	1,800 (03)	1,000 (01)	3,427 (05)	3,600 (04)
SW Open Dumping	2,958 (09)	516 (01)	1,919 (03)	7,735 (15)
Air Permit	3,500 (08)	2,050 (04)	3,950 (08)	3,400 (05)
Air Open Burning	5,134 (12)	1,000 (02)	1,600 (04)	7,000 (08)
WS Monitoring	15,804 (102)	2,122 (14)	3,857 (26)	3,317 (11)
WS Permit	2,100 (08)	---	---	3,800 (06)
Flood Plain	800 (01)	400 (02)	1,236 (04)	2,600 (04)
HC Notice	600 (01)	---	500 (01)	---
Water Use	---	---	3,000 (03)	---
Construction Permit	150 (01)	---	---	700 (01)
Underground Tanks	500 (01)	---	---	5,000 (05)
<b>TOTALS</b>	<b>\$49,323 (169)</b>	<b>\$ 9,988 (28)</b>	<b>\$24,089 (60)</b>	<b>\$ 44,752 (67)</b>

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
December, 1989

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Petition for rehearing denied	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 7/19/89
Amoco Oil Co. Stuart (4)		Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred	6/21/89
ASPRO, Inc. Waterloo (1)		Air Quality	Excess Emissions	Order	Referred	2/16/88
Bell Watcher, Inc., Potosi Co. (5)		Wastewater	Operational Violations	Referred to Attorney General	Referred	9/20/89
William L. Bown Marshalltown (5)	New	Solid Waste	Open Dumping	Order/Penalty	Referred	11/20/89
Bozarth and Bell, Inc. Davenport (6)		Solid Waste	Open Dumping	Order	Referred Default Judgment \$7500 Second Lawsuit Filed Consent Decree Filed New Case	2/20/87 6/22/87 8/07/88 8/23/88 11/01/88
Chalfant, Milo, et.al. Webster City (2)		Solid Waste	Open Dumping	Order/Penalty	Referred	9/20/89
Clinton Pallet Co. Clinton (6)	Updated	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	6/21/89 11/09/89
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred	10/27/87 8/17/88
Davis, Richard & Sonia (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Ellsworth, City of (2)		Wastewater	Discharge Limits	Order	Referred	4/18/89

January 1990

## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
December, 1989

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Robert Fisch Manchester (1)		Air Quality	Open Burning	Order/Penalty	Referred	10/24/89
Gilbert Fjone Swaledale (2)		Solid Waste	Open Dumping	Order/Penalty	Referred	10/24/89
Howard Gross West Union (1)	New	Flood Plain	Construction Without Permit	Order/Penalty	Referred	11/20/89
Hilltop Feeders (Jorgenson) Winneshiek (1)	Updated	Air Quality	Operation Without Permit	Order	Referred Suit Filed Discovery Proceeding Trial Set	12/15/87 3/24/88 1/10/90
Humboldt Co. Landfill Commission (2)	New	Solid Waste	Cover Violations	Order/Penalty	Referred	11/20/89
Iben, Fred Monticello (1)	New	Solid Waste	Open Dumping	Order	Referred	11/20/89
Kinsinger, Vernon Kalona (1)		Solid Waste Air Quality	Open Dumping Open Burning	Order/Penalty	Referred Administrative Penalty Paid	1/24/89 2/23/89
Richard Kleindolph Muscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred	10/24/89
Lakeshore Drive, Inc. et.al. Osceola (5)	New	Flood Plain	Reconstruction	Order	Referred	11/20/89
Land O'Lakes, Inc. Ellsworth (2)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	9/20/89 11/30/89
Larson, Daryl, D.V.M. Audubon (4)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/89
Lehigh Clay Products, et.al. Lehigh (2)	Updated	Hazardous Condition	Remedial Action	Order	Referred Petition Filed	9/20/89 12/01/89
Mike McGinnis, Alfred Patten and Dennis Lewis Pottawattamie Co. (4)	Updated	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	10/24/89 11/15/89
McGregor, City of (1)	Updated	Wastewater	MIP	Order	Referred Petition Filed	4/18/89 11/14/89
Jeffrey Allen Miller Shell Rock (2)		Air Quality	Open Burning	Order/Penalty	Referred	10/24/89
Moser, Stan		Solid Waste	Open Dumping	Referred to Attorney General	Referred Petition Filed	7/19/89 9/12/89
Ogden, City of		Wastewater	MIP, Sludge Disposal	Consent Decree	Referred Consent Decree	7/19/89 10/04/89
Arthur Pape West Union (1)	New	Flood Plain	Construction Without Permit	Order/Penalty	Referred Penalty Paid	11/20/89 11/27/89
Petroleum Marketing Co. (PEMCO) Malcom (5)		Wastewater	Compliance Schedule	Referred to Attorney General	Referred	10/24/89 8/17/88
Renslow, Donald Grand Junction (4)		Underground Tank	Failure to Monitor	Order	Referred Suit Filed Default Judgement	12/30/88 3/06/89
Sani-Wash Corporation Clinton (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	8/23/89
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred	9/20/89
SEMCO, et. al.	Updated	Solid Waste	Cover Violations	Administrative Order	Referred Consent Decree	7/19/89 11/29/89
Glenn Seveck Mason City (2)		Solid Waste	Open Dumping	Order/Penalty	Referred	10/24/89
Sevig, Gordon, et.al. Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/20/89
Stickle Enterprises, Ltd. et.al., Cedar Rapids (6)		Air Quality	Open Burning Prohibited Discharge	Referred to Attorney General	Referred Suit Filed	9/20/89 10/17/89
Touchdown Co., et. al., Webster City (2)		Underground Tank	Failure to Report Hazardous Condition	Referred to Attorney General	Referred	6/21/89
Turner, Ken Ft. Madison (6)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Petition Filed	6/21/89 9/13/89
Wee Willy's Quasqueton (1)		Drinking Water	Monitoring/Reporting Bacteria & Nitrate	Order/Penalty	Referred Petition Filed	3/21/89 5/08/89
Wiltgen Construction Co. Calmar (1)	New	Solid Waste	Open Dumping	Order/Penalty	Referred	11/20/89
Winnebago Industries Forest City (2)	Updated	Air Quality	Failure to Obtain Permit	Referred to Attorney General	Referred Consent Decree	6/21/89 9/05/89
Yocum, Max Johnson (6)		Flood Plain	Prohibited Construction	Defending Referred to Attorney General	Suit Filed Referred Counter Claim Filed	12/18/84 7/12/85 10/85
					Trial Held Judgment for Department Court of Appeals Affirmed Judgment Further Review Denied Contempt Hearing Rescheduled	6/16/87 8/18/87 11/29/88 2/06/89 9/29/89

## Environmental Protection Commission Minutes

January 1990

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
January, 1990

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Ellsworth, City of (2)		Wastewater	Discharge Limits	Order	Referred	4/18/89
Robert Fisch Manchester (1)	Updated	Air Quality	Open Burning	Order/Penalty	Referred Motion for Summary Judgment	10/24/89 12/05/89
Gilbert Fjone Swaledale (2)		Solid Waste	Open Dumping	Order/Penalty	Referred	10/24/89
Arthur & David Gross West Union (1)		Flood Plain	Construction Without Permit	Order/Penalty	Referred	11/20/89
Hilltop Feeders (Jorgenson) Winnesiek (1)		Air Quality	Operation Without Permit	Order	Referred Suit Filed Discovery Proceeding Trial Set	12/15/87 3/24/88 1/10/90
Humboldt Co. Landfill Commission (2)		Solid Waste	Cover Violations	Order/Penalty	Referred	11/20/89
Iben, Fred Monticello (1)		Solid Waste	Open Dumping	Order	Referred	11/20/89
Kinsinger, Vernon Kalona (1)		Solid Waste Air Quality	Open Dumping Open Burning	Order/Penalty	Referred Administrative Penalty Paid	1/24/89 2/23/89
Richard Kleindolph Muscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred	10/24/89
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred	11/20/89
Land O'Lakes, Inc. Ellsworth (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	9/20/89 11/30/89
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/89
Lehigh Clay Products, et.al. Lehigh (2)		Hazardous Condition	Remedial Action	Order	Referred Petition Filed	9/20/89 12/01/89
Mike McGinnis, Alfred Patten and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	10/24/89 11/15/89
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Petition for rehearing denied	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 7/19/89
Amoco Oil Co. Stuart (4)		Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred	6/21/89
ASPRO, Inc. Waterloo (1)		Air Quality	Excess Emissions	Order	Referred	2/16/88
Bell Watcher, Inc., Poweshiek Co. (5)		Wastewater	Operational Violations	Referred to Attorney General	Referred	9/20/89
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred	11/20/89
Bosworth and Bell, Inc. Avenport (6)		Solid Waste	Open Dumping	Order	Referred Default Judgment \$7500 Second Lawsuit Filed Consent Decree Filed New Case	2/20/87 6/22/87 8/07/88 8/23/88 11/01/88
Balfant, Milo, et.al. Baxter City (2)		Solid Waste	Open Dumping	Order/Penalty	Referred	9/20/89
Brinton Pallet Co. Brinton (6)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	6/21/89 11/09/89
Boyer, Kenneth/Hunter Oil Burns (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred	10/27/87 8/17/88
Brown, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Brown, Dominic b/a Fred's 66, Avenport (6)	New	Underground Tank	Remedial Action	Order/Penalty	Referred	12/11/89

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DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
January, 1990

Notes

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
					Referred	4/18/89
					Petition Filed	11/14/89
McGregor, City of (1)	Updated	Wastewater	MIP	Order	Consent Decree	12/28/89
Jeffrey Allen Miller Shell Rock (2)		Air Quality	Open Burning	Order/Penalty	Referred	10/24/89
Monfort, Inc. (5)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	12/11/89
					Referred	7/19/89
					Petition Filed	9/12/89
Moser, Stan	Updated	Solid Waste	Open Dumping	Referred to Attorney General	Trial Set	3/15/90
Petroleum Marketing Co. (PEMCO)						
Malcom (5)		Wastewater	Compliance Schedule	Referred to Attorney General	Referred	10/24/89
					Referred	8/17/88
Renslow, Donald		Underground	Failure to Monitor	Order	Suit Filed	12/30/88
Grand Junction (4)		Tank			Default Judgement	3/06/89
Sani-Wash Corporation						
Clinton (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	8/23/89
Schultz, Albert and Iowa Iron Works						
Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred	9/20/89
Glenn Seveck						
Mason City (2)		Solid Waste	Open Dumping	Order/Penalty	Referred	10/24/89
Sevig, Gordon, et.al.						
Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/20/89
Stickle Enterprises, Ltd.						
et.al., Cedar Rapids (6)		Air Quality	Open Burning	Referred to Attorney General	Referred	9/20/89
					Suit Filed	10/17/89
Touchdown Co., et. al., Webster City (2)		Underground	Failure to Report Hazardous Condition	Referred to Attorney General	Referred	6/21/89
Turner, Ken						
Ft. Madison (6)		Solid Waste	Open Dumping	Referred to Attorney General	Referred	6/21/89
					Petition Filed	9/13/89
Wee Willy's					Referred	3/21/89
Quasqueton (1)	Updated	Drinking Water	Monitoring/Reporting Bacteria & Nitrate	Order/Penalty	Petition Filed	5/08/89
					Case Dismissed	12/21/89
Wiltgen Construction Co. Calmar (1)		Solid Waste	Open Dumping	Order/Penalty	Referred	11/20/89
Yocum, Max Johnson (6)		Flood Plain	Prohibited Construction	Defending	Suit Filed	12/18/84
				Referred to Attorney General	Referred	7/12/85
					Counter Claim Filed	10/85
					Trial Held	6/16/87
					Judgment for Department	8/18/87
					Court of Appeals Affirmed	
					Judgment	11/29/88
					Further Review Denied	2/06/89
					Contempt Hearing Rescheduled	9/29/89

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
January, 1990

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
6-12-86	ADM - Clinton	Administrative Order	Air	Landa	Hearing continued.
12-03-86	City of Wauke	Administrative Order	WS	Hansen	Construction completed.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87.
6-11-87	Thomas Lennon	Administrative Order	FP	Clark	Appealed to District Court.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Final report approved. Settlement proposed.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Continued. Settlement pending.
1-22-88	IBP, Fort Dodge	NPDES Permit	WW	Hansen	Negotiating before filing.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	SW	Landa	Compliance actions initiated.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Phase II completed. Report due.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Appealed to Supreme Court.
4-13-88	Land O'Lakes, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
5-16-88	Marcus, City of	Administrative Order	WS	Landa	Compliance actions completed.
7-01-88	Superior Ideal, Inc.	Administrative Order	WW	Hansen	Hearing continued pending settlement discussions.
7-25-88	Nishna Sanitary Service, Inc.	Permit Conditions	SW	Landa	Compliance initiated.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Compliance actions initiated.
10-03-88	IBP, Columbus Junction	Administrative Order	WW	Clark	Hearing continued.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Hearing continued. Compliance initiated.
12-02-88	Edward Cain	Permit Denial	FP	Clark	Final decision 11-23-89.
12-02-88	Davis Co. Board of Supervisors	Administrative Order	AQ	Landa	Hearing continued.

## Environmental Protection Commission Minutes

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DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
January, 1990

DATE	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean up progressing.
1-30-89	City of New Market	Permit Revision	WS	Hansen	Proposed compliance schedule submitted and approved by Department.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Hearing continued.
2-10-89	Baier/Mansheim/Hoyer	Site Registry	HW	Landa	Hearing continued.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WW	Murphy	Negotiating before filing.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WS	Murphy	Negotiating before filing.
2-16-89	John Deere Co. - Dubuque	Site Registry	HW	Landa	Hearing continued/settlement proposed.
2-16-89	Premium Standard Farms	Administrative Order	WW/AQ	Murphy	Hearing continued.
3-14-89	Dannie R. Hoover and Bill Edwards	Flood Plain Permit Issuance	FP	Clark	Hearing set for 1-17-90.
4-18-89	Star Coal Company	SWA Denial	SW	Landa	Hearing continued.
5-01-89	Amoco Oil Company - West Des Moines	Administrative Order	UT	Landa	Negotiating before filing.
6-07-89	Paul Kloberdanz, d/b/a The Mart	Administrative Order	UT	Landa	Decision rendered/Appealed.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued/Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued/Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued/Discovery initiated.
6-08-89	Jay Winders	Permit Denial	FP	Clark	Negotiating before filing.
6-19-89	Grand Mound, City of	Administrative Order	WW	Hansen	Hearing continued. Revised Plan of Action submitted
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Hearing continued pending settlement negotiations.
7-11-89	Circle Hill Farms, Ltd.	Administrative Order	SW	Kennedy	Settlement pending.
7-19-89	Lehigh Portland Cement Co.	Administrative Order	HC	Landa	Settlement discussions initiated.
7-26-89	Cozy Cafe	Administrative Order	WS	Hansen	Negotiating before filing.
7-26-89	Midland Brick	Administrative Order	AQ	Landa	Negotiating before filing.
8-31-89	Howard McKee	Clean-up Costs	HC	Murphy	Hearing held 11-15-89.
9-01-89	Charles Clapp	Administrative Order	UT	Landa	Decision rendered/appealed.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Negotiating before filing.
9-13-89	Carroll, City of	Administrative Order	WW	Murphy	Negotiating before filing.
9-22-89	Modern Manor Mobile Home Park	Administrative Order	WS	Kennedy	Decision rendered.

January 1990

## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION COMMISSION  
 CONTESTED CASES  
 January, 1990

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
9-26-89	East Side Acres	Administrative Order	WS	Hansen	New hearing scheduled for additional evidence 1-5-90.
10-04-89	Donald P. Ervin	Administrative Order	SW	Kennedy	Hearing held 11-02-89. Waiting for decision.
10-12-89	Electro-Coatings, Inc.	Administrative Order	HC	Landa	Settlement proposed.
10-16-89	Monty Branstad	Administrative Order	AQ	Kennedy	Negotiating before filing.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Association	Site Registry	HC	Landa	Negotiation proceeding.
10-26-89	Craig Natvig	Administrative Order Flood Plain	SW	Kennedy	Sent to DIA. Hearing set for 1-26-90.
10-26-89	Roger Thome	Water Use Permit	WR	Clark	Appeal withdrawn.
10-30-89	Northwestern States Portland Cement Co.	Administrative Order	HC	Landa	Negotiating before filing.
10-30-89	Burlington Northern Railroad Co.	Site Registry	HC	Landa	Hearing scheduled for 1-29-90.
10-31-89	Peabody International Corp.	Administrative Order	HC	Landa	Hearing scheduled for 3-05-90.
11-01-89	Sam Levine/Morris Levine	Site Registry	HC	Landa	Negotiating before filing.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing scheduled for 2-08-90.
11-15-89	4 E's Farms, Inc. and Alphons Erpelding	Administrative Order	SW	Hansen	Negotiating before filing.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Negotiating before filing.
11-27-89	Manson, City of	Administrative Order	WS	Hansen	Negotiating before filing.
11-29-89	Clutier, City of	Administrative Order	WS	Hansen	Negotiating before filing.
12-11-89	Leo Schachtner	Flood Plain Permit Issuance	FP	Clark	Negotiating before filing.
12-12-89	Henry Ketelsen	Administrative Order	UT	Landa	Sent to DIA.
12-14-89	Iowa Public Service Co. - Sioux City	Administrative Order	AQ	Landa	Sent to DIA.
12-20-89	Tin Shed	Administrative Order	WS	Clark	Negotiating before filing.
12-21-89	Robert Coppinger and Velma Nehman	Flood Plain Permit Denial	FP	Clark	Sent to DIA.
12-22-89	Alter Trading Corporation	Administrative Order	SW	Murphy	Negotiating before filing.

This was an informational item; no action was required.

PRIVATE WELL SAMPLING AND ABANDONMENT GRANTS TO COUNTIES, FY 91

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department recommends Commission approval for grants to 73 counties for well testing and abandonment and to 4 counties for well abandonment only. This is a total of 77 grants. Grants will be approximately \$5,200 per county for well testing and \$4,900 per county for well abandonment for a total of \$756,900. These figures are based on the anticipated collection of \$2,100,000 into the ag management account from which these grants are funded.

Seventy-seven applications were received for the grant program. All applications were either received in an acceptable format or made acceptable before the October 31st deadline. No application was determined to be ineligible. Applicants will be expected to test a minimum of 150 wells and plug 19 wells under each grant. These figures are based on historical data from the first grant period that ended June 30, 1989. Deviations are allowed based on final grant dollars available and variances in costs which the county has identified and can justify. Standardize numbers will be used to evaluate county performance and program effectiveness.

For the 1991 fiscal year the well testing grant has been reduced by \$2,900 from \$8,133 per grant to \$5,200 and well abandonment grant has been reduced by \$9,719 per grant from \$14,619 to \$4,900. The difference is a result of dividing the amount of money available between an increasing number of counties participating in the program (from 47 to 77) and loss of the the special appropriation of \$300,000 for funding well abandonment.

(Grant list is shown on the following 11 pages)

**IOWA DEPARTMENT OF NATURAL RESOURCES**  
ENVIRONMENTAL PROTECTION DIVISION

**Chapter 47 — Private Well Sampling and Well Abandonment Grants to Counties**

County Name	First Year	Grant Program		Number of Wells to be:		Estimated Grant	
		Test	Plug Both	Tested	Plugged	Testing	Plugging
Adair	X		X	150	19	\$5,200	\$4,900
Adams			X		19		\$4,900
Allamakee	X		X	150	19	\$5,200	\$4,900
Appanoose	X		X	150	19	\$5,200	\$4,900
Audubon			X	150	19	\$5,200	\$4,900
Benton	X		X	150	19	\$5,200	\$4,900
Black Hawk			X	150	19	\$5,200	\$4,900
Bremer			X	150	19	\$5,200	\$4,900
Buchanan	X		X	150	19	\$5,200	\$4,900
Buena Vista	X		X	150	19	\$5,200	\$4,900
Calhoun			X	150	19	\$5,200	\$4,900
Carroll			X	150	19	\$5,200	\$4,900
Cass			X	150	19	\$5,200	\$4,900
Cedar			X	150	19	\$5,200	\$4,900
Cerro Gordo			X	150	19	\$5,200	\$4,900
Cherokee			X	150	19	\$5,200	\$4,900
Chickasaw			X	150	19	\$5,200	\$4,900
Clayton			X	150	19	\$5,200	\$4,900
Clinton			X	150	19	\$5,200	\$4,900
Crawford			X	150	19	\$5,200	\$4,900
Dallas			X	150	19	\$5,200	\$4,900
Davis	X		X	150	19	\$5,200	\$4,900
Delaware			X	150	19	\$5,200	\$4,900
Des Moines			X	150	19	\$5,200	\$4,900
Dickinson	X		X	150	19	\$5,200	\$4,900
Dubuque			X	150	19	\$5,200	\$4,900
Emmet	X		X	150	19	\$5,200	\$4,900
Fayette			X	150	19	\$5,200	\$4,900
Floyd	X		X	150	19	\$5,200	\$4,900
Franklin			X	150	19	\$5,200	\$4,900
Greene			X	150	19	\$5,200	\$4,900
Grundy	X		X	150	19	\$5,200	\$4,900
Guthrie			X	150	19	\$5,200	\$4,900
Hamilton			X	150	19	\$5,200	\$4,900
Hancock	X		X	150	19	\$5,200	\$4,900
Hardin			X	150	19	\$5,200	\$4,900
Henry			X	150	19	\$5,200	\$4,900
Howard			X	150	19	\$5,200	\$4,900
Humboldt			X	150	19	\$5,200	\$4,900

# IOWA DEPARTMENT OF NATURAL RESOURCES

## Chapter 47 — Private Well Sampling and Well Abandonment Grants to Counties continued

County Name	First Year	Grant Program			Number of Wells to be:		Estimated Grant	
		Test	Plug	Both	Tested	Plugged	Testing	Plugging
Ida				X	150	19	\$5,200	\$4,900
Iowa				X	150	19	\$5,200	\$4,900
Jackson				X	150	19	\$5,200	\$4,900
Jasper				X	150	19	\$5,200	\$4,900
Jefferson	X		X			19		\$4,900
Johnson				X	150	19	\$5,200	\$4,900
Keokuk	X			X	150	19	\$5,200	\$4,900
Kossuth	X			X	150	19	\$5,200	\$4,900
Lee				X	150	19	\$5,200	\$4,900
Linn				X	150	19	\$5,200	\$4,900
Mahaska			X			19		\$4,900
Marion	X			X	150	19	\$5,200	\$4,900
Mills				X	150	19	\$5,200	\$4,900
Mitchell				X	150	19	\$5,200	\$4,900
Monona	X		X			19		\$4,900
Montgomery				X	150	19	\$5,200	\$4,900
Muscatine				X	150	19	\$5,200	\$4,900
Osceola	X			X	150	19	\$5,200	\$4,900
Palo Alto				X	150	19	\$5,200	\$4,900
Pocahontas	X			X	150	19	\$5,200	\$4,900
Poweshiek				X	150	19	\$5,200	\$4,900
Sac				X	150	19	\$5,200	\$4,900
Scott				X	150	19	\$5,200	\$4,900
Shelby	X			X	150	19	\$5,200	\$4,900
Story				X	150	19	\$5,200	\$4,900
Tama	X			X	150	19	\$5,200	\$4,900
Taylor				X	150	19	\$5,200	\$4,900
Van Buren				X	150	19	\$5,200	\$4,900
Wapello				X	150	19	\$5,200	\$4,900
Warren	X			X	150	19	\$5,200	\$4,900
Washington	X			X	150	19	\$5,200	\$4,900
Wayne	X			X	150	19	\$5,200	\$4,900
Webster				X	150	19	\$5,200	\$4,900
Winnebago	X			X	150	19	\$5,200	\$4,900
Winneshiek				X	150	19	\$5,200	\$4,900
Woodbury	X			X	150	19	\$5,200	\$4,900
Worth	X			X	150	19	\$5,200	\$4,900
Wright				X	150	19	\$5,200	\$4,900
<b>TOTALS</b>	<b>26</b>	<b>0</b>	<b>4</b>	<b>73</b>	<b>10,950</b>	<b>1,463</b>	<b>\$379,600</b>	<b>\$377,300</b>

# GRANTS TO COUNTIES

## SYNOPSIS OF THE WELL TESTING AND ABANDONMENT PROGRAMS

### WATER WELL TESTING PROGRAM:

<i>Grant Totals</i>		<i>July 1988 – June 1989</i>	<i>July 1989 – June 1990</i>
Total Number Counties:		35	44
Total Number of Tests Performed:	(a,b)	6014	1800
Total Number of Wells Tested:	(a,b)	2790	N/A
Total dollars available:		\$283,119	\$357,852
Total dollars paid:	(a,b)	\$241,967	\$89,496
Average Cost per Well:		\$ 86.73	not available
Average Cost per Well (Bacteria/Nitrates):		\$ 41.00	not available
Type of Testing – Bacteria and Nitrates		87%	not available
– Ag Chemical Screens		6%	not available
– Follow-up Testing		7%	not available
Percent of Unsafe Tests – Bacteria		31%	not available
– Nitrates		13%	not available
– Ag Chemical Screens		85%	not available
high percentage is due to a small number of tests reported at this time			

### WATER WELL ABANDONMENT PROGRAM:

<i>Grant Totals</i>		<i>July 1988 – June 1989</i>	<i>July 1989 – June 1990</i>
Total Number Counties:		37	45
Total Number of Wells Plugged:	(a,b)	593	783
Total dollars available:		\$147,704	\$657,855
Total dollars paid:	(a,b)	\$128,193	\$164,430
Avg cost/well charged to the program:	(c)	\$216.18	\$210.57
Avg cost/well to owner after grant:	(d)	\$ 43.24	\$ 42.00
Avg cost/foot Lrg dia & Small dia:		\$2.90 & \$2.50	not available

(a) Work accomplished in SFY89 was influenced by the fact that counties could not begin implementing the programs until January 1989.

(b) Work accomplished in SFY90 is based on information recieved form the counties through December 1989.

(c) Costs do not include that portion of the cost over the \$200.00 cap which the well owner had to pay

(d) Costs are base on wells abandoned are large diameter, shallow well. Deeper wells will increase this cost as the program continues

### Indirect Accomplishments of the Programs:

- 1) 4 full time positions and 13 part-time positions have been created to operate county environmental health programs
- 2) 21 new environmental programs have been created at the county level with 31 additional programs in development.
- 3) 2 multi-county programs have been developed to assist counties which had no environmental health assistance
- 4) 1 county association has been developed to operate a 4 county environmental health program.

# GRANTS TO COUNTIES

## Summary of "Grants to Counties" - Abandoned Wells

COUNTY NAME	# OF WELLS PLUGGED SFY89	AMOUNT AWARDED SFY89	AMOUNT PAID SFY89	# OF WELLS PLUGGED SFY90	AMOUNT AWARDED SFY90	AMOUNT PAID SFY90(Y-T-D)	AMOUNT SCHEDULED FY91
ADAIR	*	*	*	*	*	*	\$4,900.00
ADAMS	*	*	*	3	\$14,619.00	\$3,654.00	\$4,900.00
ALLAMAKEE	*	*	*	*	*	*	\$4,900.00
APPANOOSE	*	*	*	*	*	*	\$4,900.00
AUDUBON	*	*	*	21	\$14,619.00	\$3,654.00	\$4,900.00
BENTON	*	*	*	*	*	*	\$4,900.00
BLACK HAWK	15	\$3,992.00	\$3,992.00	5	\$14,619.00	\$3,654.00	\$4,900.00
BOONE	*	*	*	*	*	*	*
BREMER	18	\$3,992.00	\$3,992.00	16	\$14,619.00	\$3,654.00	\$4,900.00
BUCHANAN	*	*	*	*	*	*	\$4,900.00
BUENA VISTA	*	*	*	*	*	*	\$4,900.00
BUTLER	*	*	*	*	*	*	*
CALHOUN	15	\$3,992.00	\$2,994.00	7	\$14,619.00	\$3,654.00	\$4,900.00
CARROLL	27	\$3,992.00	\$3,992.00	25	\$14,619.00	\$3,654.00	\$4,900.00
CASS	*	*	*	*	*	*	\$4,900.00
CEDAR	18	\$3,992.00	\$3,992.00	11	\$14,619.00	\$3,654.00	\$4,900.00
CERRO GORDO	21	\$3,992.00	\$3,992.00	16	\$14,619.00	\$3,654.00	\$4,900.00
CHEROKEE	*	*	*	85	\$14,619.00	\$3,654.00	\$4,900.00
CHICKASAW	11	\$3,992.00	\$3,992.00	68	\$14,619.00	\$3,654.00	\$4,900.00
CLARKE	*	*	*	*	*	*	*
CLAY	*	*	*	*	*	*	*
CLAYTON	17	\$3,992.00	\$2,994.00	11	\$14,619.00	\$3,654.00	\$4,900.00
CLINTON	14	\$3,992.00	\$3,992.00	19	\$14,619.00	\$3,654.00	\$4,900.00
CRAWFORD	26	\$3,992.00	\$3,992.00	10	\$14,619.00	\$3,654.00	\$4,900.00

COUNTY NAME	# OF WELLS PLUGGED FY89	AMOUNT AWARDED FY89	AMOUNT PAID FY89	# OF WELLS PLUGGED SFY90	AMOUNT AWARDED SFY90	AMOUNT PAID SFY90(Q-T-D)	AMOUNT SCHEDULED FY91
DALLAS	*	*	*	4	\$14,619.00	\$3,654.00	\$4,900.00
DAVIS	*	*	*	*	*	*	\$4,900.00
DECATUR	*	*	*	*	*	*	*
DELAWARE	11	\$3,992.00	\$2,994.00	4	\$14,619.00	\$3,654.00	\$4,900.00
DES MOINES	10	\$3,992.00	\$1,996.00	9	\$14,619.00	\$3,654.00	\$4,900.00
DICKINSON	*	*	*	*	*	*	\$4,900.00
DUBUQUE	4	\$3,992.00	\$998.00	3	\$14,619.00	\$3,654.00	\$4,900.00
EMMETT	*	*	*	*	*	*	\$4,900.00
FAYETTE	15	\$3,992.00	\$3,992.00	20	\$14,619.00	\$3,654.00	\$4,900.00
FLOYD	*	*	*	*	*	*	\$4,900.00
FRANKLIN	14	\$3,992.00	\$3,992.00	8	\$14,619.00	\$3,654.00	\$4,900.00
FREMONT	*	*	*	*	*	*	*
GREENE	*	*	*	25	\$14,619.00	\$3,654.00	\$4,900.00
GRUNDY	*	*	*	*	*	*	\$4,900.00
GUTHRIE	38	\$3,992.00	\$3,992.00	13	\$14,619.00	\$3,654.00	\$4,900.00
HAMILTON	15	\$3,992.00	\$3,992.00	32	\$14,619.00	\$3,654.00	\$4,900.00
HANCOCK	*	*	*	*	*	*	\$4,900.00
HARDIN	*	*	*	*	*	*	\$4,900.00
HARRISON	*	*	*	*	*	*	*
HENRY	8	\$3,992.00	\$1,996.00	11	\$14,619.00	\$3,654.00	\$4,900.00
HOWARD	*	*	*	7	\$14,619.00	\$3,654.00	\$4,900.00
HUMBOLDT	10	\$3,992.00	\$3,764.00	13	\$14,619.00	\$3,654.00	\$4,900.00
IDA	12	\$3,992.00	\$3,671.00	21	\$14,619.00	\$3,654.00	\$4,900.00
IOWA	26	\$3,992.00	\$3,992.00	28	\$14,619.00	\$3,654.00	\$4,900.00
JACKSON	16	\$3,992.00	\$3,992.00	3	\$14,619.00	\$3,654.00	\$4,900.00
JASPER	35	\$3,992.00	\$3,992.00	81	\$14,619.00	\$3,654.00	\$4,900.00
JEFFERSON	*	*	*	*	*	*	\$4,900.00
JOHNSON	18	\$3,992.00	\$3,992.00	10	\$14,619.00	\$3,654.00	\$4,900.00
JONES	*	*	*	*	*	*	\$4,900.00
KEOKUK	*	*	*	*	*	*	\$4,900.00
KOSSUTH	*	*	*	*	*	*	\$4,900.00

COUNTY NAME	# OF WELLS PLUGGED FY89	AMOUNT		AMOUNT PAID FY89	# OF WELLS PLUGGED SFY90	AMOUNT		AMOUNT PAID SFY90(Y-T-D)	AMOUNT SCHEDULED FY91
		AWARDED FY89	AWARDED FY89			AWARDED SFY90	AWARDED SFY90		
LEE	10	\$3,992.00	\$2,994.00	*	34	\$14,619.00	\$3,654.00	\$4,900.00	\$4,900.00
LINN	*	*	*	*	10	\$14,619.00	\$3,654.00	\$4,900.00	\$4,900.00
LOUISA	*	*	*	*	*	*	*	*	*
LUCAS	*	*	*	*	*	*	*	*	*
LYON	*	*	*	*	*	*	*	*	*
MADISON	*	*	*	*	*	*	*	*	*
MAHASKA	*	*	*	*	3	\$14,619.00	\$3,654.00	\$4,900.00	\$4,900.00
MARION	*	*	*	*	*	*	*	*	\$4,900.00
MARSHALL	*	*	*	*	*	*	*	*	*
MILLS	*	*	*	*	5	\$14,619.00	\$3,654.00	\$4,900.00	\$4,900.00
MITCHELL	17	\$3,992.00	\$3,992.00	*	1	\$14,619.00	\$3,654.00	\$4,900.00	\$4,900.00
MONONA	*	*	*	*	*	*	*	*	\$4,900.00
MONROE	*	*	*	*	*	*	*	*	*
MONTGOMERY	5	\$3,992.00	\$998.00	*	0	\$14,619.00	\$3,654.00	\$4,900.00	\$4,900.00
MUSCATINE	*	*	*	*	1	\$14,619.00	\$3,654.00	\$4,900.00	\$4,900.00
O'BRIEN	*	*	*	*	*	*	*	*	\$4,900.00
OSCEOLA	*	*	*	*	*	*	*	*	*
PAGE	13	\$3,992.00	\$2,994.00	*	*	*	*	*	\$4,900.00
PALO ALTO	11	\$3,992.00	\$2,994.00	*	21	\$14,619.00	\$3,654.00	\$4,900.00	\$4,900.00
PLYMOUTH	*	*	*	*	*	*	*	*	*
POCAHONTAS	*	*	*	*	*	*	*	*	\$4,900.00
POLK	*	*	*	*	*	*	*	*	*
POTTAWATTAMIE	*	*	*	*	*	*	*	*	*
POWESHIEK	18	\$3,992.00	\$3,992.00	*	50	\$14,619.00	\$3,654.00	\$4,900.00	\$4,900.00
RINGGOLD	*	*	*	*	*	*	*	*	\$4,900.00
SAC	30	\$3,992.00	\$3,992.00	*	18	\$14,619.00	\$3,654.00	\$4,900.00	\$4,900.00
SCOTT	16	\$3,992.00	\$3,992.00	*	0	\$14,619.00	\$3,654.00	\$4,900.00	\$4,900.00
SHELBY	*	*	*	*	*	*	*	*	\$4,900.00
SIoux	*	*	*	*	*	*	*	*	*
STORY	11	\$3,992.00	\$2,994.00	*	*	*	*	*	\$4,900.00
TAMA	*	*	*	*	*	*	*	*	*
TAYLOR	*	*	*	*	0	\$14,619.00	\$3,654.00	\$4,900.00	\$4,900.00

COUNTY NAME	# OF WELLS PLUGGED FY89	AMOUNT AWARDED FY89	AMOUNT PAID FY89	# OF WELLS PLUGGED SFY90	AMOUNT AWARDED SFY90	AMOUNT PAID SFY90(Y-T-D)	AMOUNT SCHEDULED FY91
UNION	*	*	*	*	*	*	*
VAN BUREN	*	*	*	5	\$14,619.00	\$3,654.00	\$4,900.00
WAPELLO	12	\$3,992.00	\$3,992.00	13	\$14,619.00	\$3,654.00	\$4,900.00
WARREN	*	*	*	*	*	*	\$4,900.00
WASHINGTON	*	*	*	*	*	*	\$4,900.00
WAYNE	*	*	*	*	*	*	\$4,900.00
WEBSTER	15	\$3,992.00	\$3,992.00	33	\$14,619.00	\$3,654.00	\$4,900.00
WINNEBAGO	*	*	*	*	*	*	\$4,900.00
WINNESHIEK	10	\$3,992.00	\$2,994.00	*	*	*	\$4,900.00
WOODBURY	*	*	*	*	*	*	\$4,900.00
WORTH	*	*	*	*	*	*	\$4,900.00
WRIGHT	11	\$3,992.00	\$2,994.00	*	*	*	\$4,900.00
<b>TOTAL</b>	<b>593</b>	<b>\$147,704.00</b>	<b>\$128,193.00</b>	<b>783</b>	<b>\$657,855.00</b>	<b>\$164,430.00</b>	<b>\$377,300.00</b>

AVERAGE/COUNTY	13	\$3,992.00	\$3,464.68	21	\$14,619.00	\$3,654.00	\$4,900.00
AVG COST/Well - TOTAL(1)		\$216.18			\$210.00		
AVG COST/Well - ACTUAL(2)		\$162.13			\$157.50		
AVG COST/Well - TO OWNER		\$43.24			\$42.00		
AVG COST/FOOT		(18" or larger diameter)	\$2.90		(less than 18" diameter)	\$2.50	

NOTE: Total of \$657,855.00 included the special appropriation of \$300,000.00

(1) Costs include eligible closing costs plus eligible administrative cost which has a 25% cap but does not include the owners contribution to the closing costs.

(2) Costs are the actual costs without the inclusion of administrative costs but do not include costs which exceeded the \$200.00 cap per well

# GRANTS TO COUNTIES

## Summary of "Grants to Counties" – Water Well Testing

COUNTY NAME	# OF TESTS SFY89	TEST TYPE SFY89	# OF WELLS SFY89	AMOUNT AWARDED SFY89	AMOUNT PAID SFY89	# OF TESTS SFY90	TEST TYPE SFY90	# OF WELLS SFY90	AMOUNT AWARDED SFY90	AMOUNT PAID SFY90(Y-T-D)	AMOUNT SCHEDULED FY91
ADAIR	*					*					\$5,200.00
ADAMS	*								\$8,133.00	\$2,034.00	*
ALLAMAKEE	*					*					\$5,200.00
APPANOOSE	*					*					\$5,200.00
AUDUBON	*					68	1		\$8,133.00	\$2,034.00	\$5,200.00
BENTON	*					*					\$5,200.00
BLACK HAWK	165	1	82	\$8,272.00	\$8,272.00				\$8,133.00	\$2,034.00	\$5,200.00
BOONE	*					*					*
BREMER	336	1	165	\$8,272.00	\$8,272.00	69	1		\$8,133.00	\$2,034.00	\$5,200.00
BUCHANAN	*					*					\$5,200.00
BUENA VISTA	*					*					\$5,200.00
BUTLER	*					*					*
CALHOUN	150	1	72	\$7,125.00	\$5,343.00	28	1		\$8,133.00	\$2,034.00	\$5,200.00
CARROLL	460	1,2	202	\$8,272.00	\$8,272.00	28	1		\$8,133.00	\$2,034.00	\$5,200.00
CASS	*					*					\$5,200.00
CEDAR	352	1	171	\$8,272.00	\$8,272.00	22	1		\$8,133.00	\$2,034.00	\$5,200.00
CERRO GORDO	*					6	1		\$8,133.00	\$2,034.00	\$5,200.00
CHEROKEE	*					60	1		\$8,133.00	\$2,034.00	\$5,200.00
CHICKASAW	250	1	108	\$8,272.00	\$6,204.00	77	1		\$8,133.00	\$2,034.00	\$5,200.00
CLARKE	*					*					*
CLAY	*					*					*
CLAYTON	120	1	60	\$8,272.00	\$6,204.00	3	1		\$8,133.00	\$2,034.00	\$5,200.00
CLINTON	240	1	112	\$8,272.00	\$8,272.00	69	1		\$8,133.00	\$2,034.00	\$5,200.00
CRAWFORD	260	1,2	95	\$8,272.00	\$8,272.00	26	1		\$8,133.00	\$2,034.00	\$5,200.00

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COUNTY NAME	# OF TESTS		TEST TYPE	# OF WELLS		AMOUNT		# OF TESTS	TEST TYPE		# OF WELLS	AMOUNT		AMOUNT		AMOUNT SCHEDULED FY91
	SFY89	SFY89		SFY89	SFY89	AWARDED	PAID		SFY90	SFY90		SFY90	SFY90	AWARDED	PAID	
DALLAS	*													\$8,133.00	\$2,034.00	\$5,200.00
DAVIS	*							*								\$5,200.00
DECATUR	*							*								*
DELAWARE	120	1	60	\$8,272.00	\$6,204.00									\$8,133.00	\$2,034.00	\$5,200.00
DES MOINES	144	1	70	\$8,272.00	\$6,204.00			77	1					\$8,133.00	\$2,034.00	\$5,200.00
DICKINSON	*							*								\$5,200.00
DUBUQUE	60	1	30	\$8,272.00	\$2,068.00									\$8,133.00	\$2,034.00	\$5,200.00
EMMETT	*							*								\$5,200.00
FAYETTE	124	1	60	\$7,000.00	\$7,000.00			41	1					\$8,133.00	\$2,034.00	\$5,200.00
FLOYD	*							*								\$5,200.00
FRANKLIN	260	1,2	118	\$8,272.00	\$8,272.00			*								\$5,200.00
FREMONT	*							*								*
GREENE	*							147	1					\$8,133.00	\$2,034.00	\$5,200.00
GRUNDY	*							*								\$5,200.00
GUTHRIE	180	1	82	\$8,272.00	\$8,272.00			9	1					\$8,133.00	\$2,034.00	\$5,200.00
HAMILTON	160	1	80	\$8,272.00	\$8,272.00									\$8,133.00	\$2,034.00	\$5,200.00
HANCOCK	*							*								\$5,200.00
HARDIN	*							75	1					\$8,133.00	\$2,034.00	\$5,200.00
HARRISON	*							*								*
HENRY	8	2	8	\$8,272.00	\$4,136.00			27	1					\$8,133.00	\$2,034.00	\$5,200.00
HOWARD	*							110	1					\$8,133.00	\$2,034.00	\$5,200.00
HUMBOLDT	220	1	110	\$8,272.00	\$8,272.00			42	1					\$8,133.00	\$2,034.00	\$5,200.00
IDA	175	1	84	\$8,272.00	\$8,272.00			18	1					\$8,133.00	\$2,034.00	\$5,200.00
IOWA	*							*								\$5,200.00
JACKSON	240	1	110	\$8,272.00	\$8,272.00			39	1					\$8,133.00	\$2,034.00	\$5,200.00
JASPER	248	1	120	\$8,272.00	\$8,272.00			60	1					\$8,133.00	\$2,034.00	\$5,200.00
JEFFERSON	*							*								*
JOHNSON	252	1	112	\$8,272.00	\$6,204.00			5	1					\$8,133.00	\$2,034.00	\$5,200.00
JONES	*							*								\$5,200.00
KEOKUK	*							*								\$5,200.00
KOSSUTH	*							*								\$5,200.00

COUNTY NAME	# OF TESTS		TEST TYPE	# OF WELLS	AMOUNT AWARDED		AMOUNT PAID		# OF TESTS	TEST TYPE	# OF WELLS	AMOUNT AWARDED		AMOUNT PAID		AMOUNT SCHEDULED FY91
	SFY89	SFY89			SFY89	SFY89	SFY90	SFY90				SFY90	SFY90			
LEE	98	1	45		\$8,272.00	\$6,204.00			78	1		\$8,133.00	\$2,034.00	\$5,200.00		
LINN	*											\$8,133.00	\$2,034.00	\$5,200.00		
LOUISA	*								*					*		
LUCAS	*								*					*		
LYON	*								*					*		
MADISON	*								*					*		
MAHASKA	*								*					*		
MARION	*								*					\$5,200.00		
MARSHALL	*								*					*		
MILLS	*											\$8,133.00	\$2,034.00	\$5,200.00		
MITCHELL	174	1	81		\$8,272.00	\$8,272.00			200	1		\$8,133.00	\$2,034.00	\$5,200.00		
MONONA	*								*					*		
MONROE	*								*					*		
MONTGOMERY	50	1	25		\$8,272.00	\$2,068.00						\$8,133.00	\$2,034.00	\$5,200.00		
MUSCATINE	*								1	1		\$8,133.00	\$2,034.00	\$5,200.00		
O'BRIEN	*								*					*		
OSCEOLA	*								*					\$5,200.00		
PAGE	120	1	50		\$8,272.00	\$6,204.00			*					*		
PALO ALTO	90	1	40		\$8,272.00	\$6,204.00			48	2		\$8,133.00	\$2,034.00	\$5,200.00		
PLYMOUTH	*								*					*		
POCAHONTAS	*								*					\$5,200.00		
POLK	*								*					*		
POTTAWATTAMIE	*								*					*		
POWESHIEK	139	1	68		\$8,272.00	\$8,272.00			24	1		\$8,133.00	\$2,034.00	\$5,200.00		
RINGGOLD	*								*					*		
SAC	30				\$8,272.00	\$6,204.00			79	1,2		\$8,133.00	\$2,034.00	\$5,200.00		
SCOTT	186	1	88		\$8,272.00	\$8,272.00						\$8,133.00	\$2,034.00	\$5,200.00		
SHELBY	*								*					\$5,200.00		
SIOUX	*								*					*		
STORY	*								*					\$5,200.00		
TAMA	*								*					*		
TAYLOR	*								*			\$8,133.00	\$2,034.00	\$5,200.00		

COUNTY NAME	# OF TESTS		TEST TYPE	# OF WELLS		AMOUNT		AMOUNT PAID	AMOUNT AWARDED		# OF TESTS	TEST TYPE	# OF WELLS		AMOUNT		AMOUNT PAID	AMOUNT AWARDED	AMOUNT SCHEDULED
	SFY89	SFY89		SFY89	SFY89	SFY89	SFY89		SFY89	SFY89			SFY90	SFY90	SFY90	SFY90	SFY90	SFY90	FY91

UNION	*										*								*
VAN BUREN	40	1	20	\$4,290.00	\$2,144.00						12	1			\$8,133.00	\$2,034.00			\$5,200.00
WAPELLO	170	1	75	\$8,272.00	\$8,272.00						1	1			\$8,133.00	\$2,034.00			\$5,200.00
WARREN	*										*								\$5,200.00
WASHINGTON	*										*								\$5,200.00
WAYNE	*										*								\$5,200.00
WEBSTER	163	1,2	80	\$8,272.00	\$8,272.00						107	1			\$8,133.00	\$2,034.00			\$5,200.00
WINNEBAGO	*										*								\$5,200.00
WINNESHIEK	10			\$8,272.00	\$6,204.00						144	1			\$8,133.00	\$2,034.00			\$5,200.00
WOODBURY	*										*								\$5,200.00
WORTH	*										*								\$5,200.00
WRIGHT	220	1	107	\$8,272.00	\$8,272.00						*								\$5,200.00

TOTAL	6014	2790	\$283,119.00	\$241,967.00		1800	0	\$357,852.00	\$89,496.00										\$379,600.00
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AVG/COUNTY	172	80	\$8,089.11	\$6,913.34		41	0	\$8,133.00	\$2,034.00										\$5,200.00
CONTRACTED # OF WELLS		4100					7300												7450
AVG COST/Well - TOTAL			\$86.73					ERR											

Contracted # of wells is based on bacteria and nitrate testing performed for the full amount of the grant only.  
 "EER" indicates an error because the number of wells for the current grant year have not been reported by the counties on their quarterly report.

TEST TYPES: (1) bacteria and nitrates [average cost \$13.00]  
 (2) ag chemical screen [average cost \$100.00: atrazine, bladedex, dual, lasso, sencor, sutan, trellan]  
 (3) carbon tetrachloride [average cost \$30.00]

Percent of Bacteria Samples testing unsafe: 31% }  
 Percent of Nitrate Samples testing unsafe: 13% } Percentages include some testing of private wells not included in the grant program  
 Percent of chemical screens testing positive: 85% }

These numbers represent the most current information available...due to the large volume of data, not all data has been verified yet.

Mr. Stokes explained the county grants and stated that there may be some last minute adjustments depending upon the actual amount of dollars that would be in the Agricultural Management Account at the end of the year. The allocations here are based on the assumption of monies that would be available in that account.

*Motion was made by Margaret Prah1 to approve the Private Well Sampling and Abandonment Grants to Counties for FY 91. Seconded by Nancy1ee Siebenmann. Motion carried unanimously.*

APPOINTMENT - DAVID GLASNAP (Emmet County)

David Glasnap, Emmet County Supervisor and Trustee of a drainage district, addressed the Commission stating that a group of counties met last week and they are very concerned with the standards on drainage districts. He distributed a copy of a resolution adopted at their meeting in which they are asking the Commission to recognize, in the Iowa water quality standards, the special needs of drainage and levee districts. He added that these districts are owned by the landowners and the farmers have paid thousands of dollars to put them in and to maintain them. Mr. Glasnap stated that they are asking for an exemption to the water quality standards rules to allow for repair and cleaning in the drainage districts.

Margaret Prah1 asked Mr. Glasnap what makes him believe these standards apply to drainage districts and in what section of the rules he would request a change.

Mr. Glasnap responded that there is nothing specific in the rules to say that the districts are eliminated, but he is under the impression that all of the lands are being classified as to potholes, wetlands, and so forth.

APPOINTMENT - BILL SUTTON (Greene County)

Bill Sutton, Greene County farmer, stated that he is present in lieu of Bob Ausberger. Mr. Sutton distributed and read portions of a letter drafted and approved by the Greene County Board of Supervisors. He stated that they want to be able to maintain and service dredge ditches and county main tile lines in established drainage districts. Mr. Sutton told of accomplishments the county has taken on environmental projects. He also outlined accomplishments and plans surrounding communities have taken in relation to the REAP program. He stated that if they have to spend their time trying to repeal policies that overregulate them, they will not be able to carry out programs underway and create incentives for new environmentally sound programs. In

conclusion, he asked the Commission to reconsider any plans which will make the county drainage systems less efficient.

APPOINTMENT - BUD ROTTINGHAUS (Floyd County)

Bud Rottinghaus, Floyd County Supervisor, addressed the Commission stating that he supports the statements expressed by the two speakers prior to him. He stated that there is a unique geology in Floyd County as the formation is very porous and gives an abundance of sinkholes. He spoke of a committee their county formed which gave input into the groundwater bill in relation to costs for closing agriculture drainage wells. This same committee made recommendations on the water quality rules as well. Mr. Rottinghaus stated that the county has a national research station which has a monitoring system for agricultural drainage. There are 32 one-acre plots for quantatative and qualitative checks for fuel drainage systems. He outlined projects the county is doing including educational efforts, monitoring, and cleanup to improve their water quality. Mr. Rottinghaus stated that they have a Washington School watershed covering 3000-acres which is a model soil conservation effort. He added that this watershed project was a cooperative effort of landowners, businesses, the city and the SCS. He asked that when the Commission interprets the standards for this, that they consider there are probably other places in drainage districts that have unusual situations and they should be able to make adjustments.

APPOINTMENT - WENDY BURGESS

Wendy Burgess, Staff Member, Iowa Association of Counties, presented the following written statement:

Testimony regarding Review of EPC Water Quality Standards

I would like to thank the Commission for the opportunity to briefly voice some concerns raised by the County Supervisors, Auditors, Treasurers, Engineers, and Attorneys regarding the water quality standards and their possible interpretation and application to drainage districts.

In reviewing the communications that were included as part of the agenda packet it is obvious that it has been an arduous task over the past two years for the Commission to develop rules implementing the federal Clean Water Act.

I understand that the primary delay in adopting acceptable rules has been to find different criteria to apply to the proposed ammonia standard because of the projected 601.1 million dollars it would cost cities and industry in Iowa to attain acceptable levels of ammonia. If the cost projections are accurate it seems reasonable for the Commission to appeal to EPA to adopt rules that are most cost effective and enforceable. Just as the Commission has sought a more pragmatic application of the ammonia standard; counties are seeking inclusion of drainage as a specific use in the proposed rules.

Of the thousands of drainage districts that exist in this state, the Board of Supervisors is most often the Board of Trustees for those districts. In some areas of the state this is a major function of the Board. Landowners are assessed based on the benefit they derive from the work that is completed within their district. Because of the expense of repair, maintenance, and improvement to the system the assessments are usually paid by the landowner over a long period of time. Because drainage is not included as a general use or a designated use as applied to limited resource warm water, Class B(LB) and lakes and wetlands, Class B(LW) the Supervisors are concerned that the provisions within the rules would effectively allow DNR to stop any drainage project.

The rules stipulate that all waters of the state are classified for protection of beneficial uses including: livestock watering, wildlife watering, noncontact recreation, crop irrigation, and industrial, agricultural, domestic and other incidental water withdrawal uses. All Class B waters are to be protected for wildlife, fish, aquatic and semiaquatic life, and secondary contact water uses. The only purpose of drainage ditches is to drain property to make it suitable for agricultural or other development. The way the rules are currently written DNR could stop the removal of a beaver dam built in a drainage ditch, they could stop dredging a ditch based on the fact that the underbrush has created a habitat for pheasant, rabbits, and snakes. Taking the issue to the extreme they could stop repair or maintenance on a ditch because it was a good breeding ground for mosquitos and dragonflies (semiaquatic life). Counties are requesting that in some manner the primary purpose of a drainage ditch be recognized within the water quality standards and the potential loss of revenue by the landowner and the county be taken into consideration if drainage ditches are not functional. As told by some of the supervisors speaking earlier the counties are not ignoring environmental issues and in many instances are becoming leaders in the areas of waste volume reduction, recycling, sponsoring toxic waste days, roadside vegetation programs, reclamation of natural habitats, and sponsoring educational programs relating to environmental issues.

Several county officials have also been concerned with the proposed rules that appeared in the Iowa Administrative Bulletin on November 15, 1989. ISAC commends DNR for the additional

flexibility in allowing what can be buried on a landowners property and how it is to be buried. The proposed rules do not discuss trees, brush, and other plant life as items that can be buried. Some legislators I have talked to stated it was never their intent to disallow property owners to bury trees and other plant life on their property. Counties are concerned about this from two perspectives: 1) The cleaning of drainage ditches involves removal of trees and undergrowth and would be an additional expense to the property owners assessment; and 2) The sanitary landfills do not need to be taxed with an overabundance of trees, shrubs, and brush. -- Submitted by Wendy Burgess.

Ms. Burgess stated that ISAC has legislative proposals regarding sludge, doing away with pesticides, and several others.

#### APPOINTMENT - DON ETLER

Don Etler, Consulting Agricultural Engineer and Drainage Engineer for Pocahontas and Palo Alto counties, stated that when the comment period was open on the Water Quality Standards rules he and Mr. Glasnap provided comments requesting some recognition of drainage districts. He related that they were bothered that there was no recognition included. He commented that they do not believe that staff fully understands the special needs of drainage districts or the concerns drainage district authorities have for what the proposed standards might do to drainage districts and the landowners that depend upon them. He pointed out the following four concerns and expanded on each: 1) Drainage districts cannot legally or economically bear to have an open ditch repair denied by the proposed standards; no protection is provided for the repair right that has been embodied in Iowa Drainage Laws since 1906; 2) The standards will be effective in preventing the drainage of existing wetlands; 3) The DNR staff failed to analyze the economic impact of these regulations upon property in drainage districts; and 4) The standards will interfere with the constitutionally protected property rights of all drainage district landowners. Mr. Etler distributed copies of a letter he wrote to EPA requesting evidence of their compliance with Executive Order No. 12630 along with a copy of the Order. He related that EPA has not provided the name of the responsible official nor any evidence that the rules taking effect upon lands in drainage districts had been calculated or considered. In conclusion, Mr. Etler requested that the Commission consider: 1) An exemption for repairs and improvements to existing drainage district open ditches and; 2) An exemption for the drainage of wetlands assessed in drainage districts or; 3) An economic analysis of the impact of the intended rules upon drainage district landowners; and 4) Full consideration of the effect upon the constitutional property rights of landowners in drainage districts.

Margaret Prah1 asked Mr. Etler to point out by number the section that stated a person cannot clean out a drainage ditch.

Mr. Etler stated that there is no acknowledgement that it cannot be done, but if the protected uses (aquatic life, semi-aquatic life, and wildlife) are to be protected by the department and it comes to confrontation between a drainage ditch repair and that protected use, the protected use wins out by most standards because there is no recognition of drainage ditches.

A lengthy discussion followed regarding stream classification and protected or designated uses and various other items in the rules.

#### LEGISLATION

Mr. Combs briefed the Commission on the legislative reception which was to be held later that evening. He informed the Commission that the department does not have specific bill drafts for some of the bills. Mr. Combs explained each of the Commission's legislative proposals and answered Commissioners questions. Each Commissioner chose a bill they would like to address at the reception.

#### RECESS

Chairperson Mohr recessed the meeting at 5:20 p.m., Tuesday, January 16, 1990

MEETING RECONVENES 8:30 A.M., WEDNESDAY, JANUARY 17, 1990

#### STATE REVOLVING FUND INTENDED USE PLAN - 1990

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department requests Commission approval to issue a public notice and hold a hearing on a proposed 1990 Intended Use Plan for the state revolving fund for wastewater treatment construction assistance. The Intended Use Plan (IUP) identifies the cities that will receive loans from the state revolving fund.

January 1990

Environmental Protection Commission Minutes

After the public hearing, the department will summarize the comments received, make changes as needed and then request final approval of the IUP.

The final IUP is the primary document needed to make application for the FY1990 EPA grant to the state revolving fund program. This will be the second year of the program.

Mr. Stokes explained the plan in detail.

(Plan is shown on the following 14 pages)

**PROPOSED  
STATE REVOLVING FUND INTENDED USE PLAN  
FOR THE STATE OF IOWA  
FISCAL YEAR 1990**

Submitted to the  
U.S. Environmental Protection Agency  
Region 7

By the  
Iowa Department of Natural Resources

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## I. INTRODUCTION

The State of Iowa herewith submits its Intended Use Plan (IUP) for all funds available in the State Revolving Fund (SRF) during Fiscal Year (FY) 1990. This plan is based on receiving a \$10,871,550 capitalization grant from the FY 1990 Title VI funds appropriated by the U.S. Congress for the Iowa State Revolving Fund. In addition, the FY 1990 SRF will include the State's required 20% match of \$2,174,310. These funds will be added to the SRF funds provided in FY 1989.

## II. LIST OF PROJECTS

The management of the state's revolving fund loan program including the development of a priority list of projects for loan assistance has been proposed according to DNR rules 567--92 (455B). With added FY 1990 funds of approximately \$13.05 million, along with the \$15.32 million FY 1989 funds, it is Iowa's intention to assist nine new projects in addition to the five remaining projects identified on the FY 1989 IUP as well as fund the administration of the SRF program. There is no intention to fund (Section 319) nonpoint source projects or (Section 320) estuarine projects in FY 1990 as permitted by Title VI of the Clean Water Act. No projects for municipalities which appear on the National Municipal Policy (NMP) List have been placed on the Loan List for proposed loan assistance to meet "first use" requirements of the Clean Water Act. Projects identified for assistance in the FY 1989 IUP are shown in Chart 1 Part 1.

The total loan needs of all applications for FY 1990 do not exceed what the congressional appropriation is anticipated to allot for Iowa. Therefore, all applicants are listed on Chart 1 Part 2. If no other projects are added to the list, the capitalization grant request will be less than the federal money expected to be allotted to Iowa. The loan amount shown for the Des Moines ICA project is the maximum allowed by state rule based on the allotment anticipated to be available to Iowa rather than what the actual capitalization grant may be.

Based on the environmental reviews that have been conducted on the proposed Section 212 projects to date, it is not anticipated that any of these projects will need to undergo development of an Environmental Impact Statement (EIS).

### Priority Projects

The Clean Water Act requires that the capitalization grant and the state match funds are first to be used to assure maintenance of progress toward compliance with enforceable deadlines, goals and requirements of the Act, including the municipal compliance deadline. EPA has determined that this first-use has been met when all municipalities on the NMP list are in compliance, on an enforceable schedule, have an enforcement action filed, or have a funding commitment by the end of the year covered by the IUP. This is a onetime determination.

An analysis made of Iowa's NMP municipalities in FY 1989 determined that all have met one of the above criteria. Therefore, Iowa assures maintenance of progress toward compliance with enforceable deadlines, goals, and requirements of the Clean Water Act as expected by Title VI.

To determine which wastewater treatment facility projects should be funded by the SRF, the FY 1990 Project Priority List (PPL) prepared under state rule was reviewed, and the highest priority projects expected to be able to take advantage of SRF funds within the time frame allowed by state rule IAC 567--92 for FY 1990 were identified (see Chart 1, Parts 1 and 2). The resulting list totalled nine new projects for FY 1990, in addition to five projects identified in FY 1989 which have elected to use SRF financing. These projects appear on the Loan List by fiscal year in the order of their ranking on the priority list. No nonpoint source projects (Section 319) or estuarine projects (Section 320) have been proposed for funding from the SRF.

In the event that projects identified for funding in the IUP do not attain readiness for a loan commitment by August 31, 1990, these delayed projects may be bypassed and other projects from the contingency list in Chart 2 may be funded based on the state's implementing rules for the SRF program (see IAC 567-92). Consideration of the by-pass projects will occur in August of 1990 by the Department of Natural Resources.

This IUP may be amended as allowed by DNR rules and Section VII of this plan. Because applications received total less than what may be available for Iowa's SRF, the state may consider adding projects to the FY 1990 list (Chart 1 Part 2), should applications be received. The actual assistance amount for the Des Moines ICA project and the number of projects which could be added will depend on the actual Iowa allotment for FY 1990.

The projected administration costs of the SRF program are shown in Chart 1, Part 3. A reserve for water quality management planning as required by Title VI of the Clean Water Act will be set aside from Iowa's FY 1990 Title VI allotment and granted to the state for this purpose separately from the SRF. This reserve does not appear in this IUP.

### III. LONG-TERM AND SHORT-TERM GOAL STATEMENTS

#### A. Long-Term Goals

1. Protect the environment, and public health and welfare by ensuring state water quality standards are achieved and maintained; and that waters of the state are not degraded by improperly or inadequately treated municipal wastewaters, or nonpoint pollution sources.
2. Establish a perpetual program to provide financial assistance to communities for the purpose of constructing facilities to properly and adequately treat municipal wastewaters, or abate and control nonpoint pollution sources.

3. Provide a financial assistance program, in the form of loans, which are competitive with private financing options available to communities while assuring the perpetual nature of the program.
4. Allocate financial assistance in a priority manner based upon water quality impacts of the proposed projects.
5. Establish program requirements which are simple, understandable, applicable to all projects, and to the fullest extent possible are not burdensome to the recipients of assistance.
6. Establish mechanisms for funding the on-going administration of the program once federal funding stops.

B. Short-term Goals (to be implemented in FY 1990)

1. Administer the State Revolving Loan Program consistent with federal statute, regulation and guidance; and in accordance with state law and promulgated rules.
2. Commit loan funds to as many communities as possible in accordance with the state priority rating system, this Intended Use Plan, and available funding in order to assist in the construction of the highest water quality impact projects.
3. Commit 120% of federal capitalization grant funding available this federal fiscal year.
4. Provide state funds through bonding in the amount required to provide the 20% match for available federal allotments in FY 1990.

IV. INFORMATION ON THE SRF ACTIVITIES TO BE SUPPORTED

A. Allocation of Funds

Allocation of funds to eligible projects was based on a three-step process:

The amount of financial assistance needed for each application was estimated;

The sources and spending limits for all FY 1990 SRF funds were identified; and

The SRF funds were allocated among the projects, consistent with the amount available and the financial assistance needed.

Information pertinent to each SRF project is contained in Chart 1, pursuant to Section 606(c)(3) of the CWA.

B. SRF Policies

Loan Interest Rate

The interest rate for all loans made from the SRF in FY 1990 will be determined in accordance with state rules and based upon the State's costs for generating required matching funds via bonding (see IAC 567--92.11). Interest rates for projects identified for different fiscal years may vary.

C. Administrative Costs of the SRF

Iowa intends to use 4% of the Federal capitalization grant funds to pay the costs of administering the State Revolving Fund loan program. Based on the estimated allotment to Iowa from the available FY 1990 Title VI appropriation, the State will use \$434,860 of the FY 1990 capitalization grant for administrative support in managing and operating the SRF program. A commitment of \$510,626 from FY 1989 funds has already been made.

V. ASSURANCES AND SPECIFIC PROPOSALS

Iowa will provide the necessary assurances and certifications as part of an Operating Agreement between the State of Iowa and the U.S. EPA. Iowa's Operating Agreement includes the requirements of the following sections of the law:

- ° 602(a) - Environmental Reviews  
The State of Iowa will conduct environmental reviews as specified in the Project Review Procedures attached to the Operating Agreement.
- ° 602(b)(3) - Binding Commitments  
The State of Iowa will enter into binding commitments for 120% of each quarterly payment within 1 year of receipt of that payment.
- ° 602(b)(4) - Expeditious and Timely Expenditures  
The State of Iowa will expend all funds in the SRF in a timely and expeditious manner.
- ° 602(b)(5) - First Use for Enforceable Requirements  
The State of Iowa will assure maintenance of progress toward enforceable deadlines, goals and requirements of the CWA, including the municipal compliance deadline. Maintenance of progress is defined in EPA guidance for the SRF program.
- ° 602(b)(6) - Compliance with Title II Requirements  
The State of Iowa agrees to meet the specific statutory requirements for public owned wastewater projects constructed in whole or in part before FY 1995 with funds directly made available by Federal capitalization grants.

Iowa will meet equivalency requirements using Title II procedures, as included in the State's Construction Grant Delegation Agreement with EPA. State rules require that all Section 212 projects funded under Title VI of the Clean Water Act will meet the Title II requirements specified in Title VI.

## VI. CRITERIA AND METHOD FOR DISTRIBUTION OF FUNDS

The following approach was used to develop Iowa's proposed distribution of SRF funds: (1) analysis of the priority communities and financial assistance needed; (2) identification of the sources and spending limits of available funds; (3) allocation of funds among projects; (4) development of a payment schedule which will provide for making timely binding commitments to the projects selected for SRF assistance; and (5) development of a disbursement schedule to pay the project costs as incurred.

### A. Priority of Communities and Financial Assistance Needed

Iowa law provides only for loan assistance. The state's SRF rules identify the priority rating system used to establish priorities for loan assistance.

Projects were considered only for loan financing assistance for project costs incurred after a loan commitment. Refinancing is not being considered in FY 1990. Refinancing in the context of the SRF program is considered to be providing loan assistance to projects or portions of projects which have already incurred costs at the time of the loan agreement.

### B. Sources and Spending Limits of FY 1990 Funds

Chart 4 identifies Iowa's total funding sources for FY 1990. With the capitalization grant and State match, Iowa anticipates to have an SRF total of \$28,364,640. Of this amount \$945,000 will be committed to program administration.

No interest earnings or repayments are projected on SRF funds in FY 1990 due to the uncertainty of program income and disbursement schedules.

### C. Allocation of Funds Among Projects

Once the total amount of funds and spending limits were identified, Chart 3 was prepared showing the amount needed by quarter to meet the binding commitment of each project. These amounts were summarized by quarter and the totals are shown at the bottom of the columns.

Since it was not necessary to provide loan funding to any project to meet the federal "first use" requirement, the projects listed in Chart 1 may be funded from the SRF.

All projects scheduled for funding with Iowa's SRF will be reviewed for consistency with appropriate plans developed under sections 205(j), 208, 303(e), 319 and 320 of the Clean Water Act, as amended. Evidence of this review and finding of consistency will be documented in each SRF project file. Should a project fail to meet this review criteria it may be bypassed as allowed by State rules. Chart 2 is a list of contingency projects which may be considered for loan assistance as bypass projects according to state rules without formal amendment of this intended use plan.

D. Develop SRF Payment Schedule

Iowa's draft payment schedule (see Chart 5) is based on the State's projection of binding commitments included in Chart 3 of this Intended Use Plan. The State has projected fourteen binding commitments for Section 212 projects through FY 1990. The administration costs of Iowa's SRF are included in the payment projections. Iowa's payment schedule projects payments through FY 1991. Chart 4 was prepared to show the payment schedule for all FY 1990 funds in the SRF.

E. Develop SRF Disbursement Schedule

Iowa's disbursement schedule, shown in Chart 6, is based on the dates for binding commitments, construction start, and initiation of operation included in Chart 1.

Chart 6 displays projected letter-of-credit draw downs, summarized by quarter, to pay invoices submitted for SRF assisted projects. The disbursements which extend beyond FY 1991 have been condensed into the last column.

VII. METHOD OF AMENDMENT OF THE INTENDED USE PLAN

This intended use plan will be followed by the State in administering SRF funds in FY 1990. Public participation in the development of the IUP is required by EPA. Any revisions of the goals, policies and method of distribution of funds, including the list of loan projects, must be addressed by a revision of the IUP including opportunity for public participation. Minor adjustments in funding schedules, loan amounts and use of bypass provisions including funding of projects on the contingency list are allowed by the procedures of this IUP and state rules for administration of the SRF without public notification.

VI. PUBLIC REVIEW AND COMMENT

(Reserved)

Chart 1: FY 90 Intended Use Plan Projects - Specific Information

Chart 1 Part 1: FY 89 Section 212 Publicly Owned Treatment Works (POTW) Projects

<u>Project Name</u> Communities Served	Project Number	<u>Discharge Requirements</u> CBOD	TSS	Other	Need Categories	Enforceable Requirement	Assistant Amount (\$1000)	Binding Commitment Date	Construct Start Date	Initiate Operation Date
Des Moines ICA	192001-01	25	30	5.5 NH3	IVB		9284	11/89	12/89	3/91
Edgewood	192003-01	25	30		I		450	9/89	4/89	1/90
Ft. Dodge	192004-01	25	30	13 NH3	I		1580	11/89	2/90	1/91
Albia	192005-01	25	30		IVB		1174	11/89	4/91	9/92
Oskaloosa	192007-01	25	30	8 NH3	I,II		2320	11/89	3/90	6/91
Part 1 Total:							14808			

Chart 1 Part 2: FY 90 Section 212 Publicly Owned Treatment Works (POTW) Projects

<u>Project Name</u> Communities Served	Project Number	<u>Discharge Requirements</u> CBOD	TSS	Other	Need Categories	Enforceable Requirement	Assistant Amount (\$1000)	Binding Commitment Date	Construct Start Date	Initiate Operation Date
Des Moines ICA	192001-02	25	30	5.5 NH3	IVB		9191	6/90	7/90	7/91
Oskaloosa	192007-02	25	30	8 NH3	II		586	6/90	10/90	10/91
Perry	192008-01	25	30		I		175	5/90	5/90	9/90
Adel	192009-01	25	30		IVB		594	5/90	5/90	11/90
Dows	192010-01	25	30		I		480	6/90	8/90	12/90
Martensdale	192011-01	25	30		I		240	5/90	5/90	10/90
Preston	192012-01	25	30		IVB,I		494	6/90	10/90	5/91
VanMeter	192013-01	25	30		IVB,I		559	6/90	6/90	12/90
Brandon	192014-01	25	30		I		292	6/90	10/90	7/91
Part 2 Total:							12611			

Chart 1 Part 3: Section 603(d)(7) Program Administration

<u>Project Name</u> Communities Served	Project Number	<u>Discharge Requirements</u> CBOD	TSS	Other	Need Categories	Enforceable Requirement	Assistant Amount (\$1000)	Binding Commitment Date	Construct Start Date	Initiate Operation Date
PGM-ADM (89)		N/A	N/A	N/A	N/A	N/A	510	5/89	N/A	N/A
PGM-ADM (90)		N/A	N/A	N/A	N/A	N/A	435	3/90	N/A	N/A
Part 3 Total:							945			
FY GRAND TOTAL:							28364			

Chart 2: FY 90 Intended Use Plan Contingency Projects - Specific Information

<u>Project Name</u> Communities Served	Project Number	<u>Discharge Requirements</u>		Need Categories	Enforceable Requirement	Assistant Amount (\$1000)	Binding Commitment Date	Construct Start Date	Initiate Operation Date
LeGrand		CBOD	TSS	Other					
		25	30		I	640	6/90	2/91	8/91

Key to need categories

- I Secondary Treatment
- II Treatment more stringent than secondary
- IIIA Infiltration/Inflow Correction
- IIIB Major sewer system rehabilitation
- IVA New collectors and appurtenances
- IVB New interceptors and appurtenances
- V Correction of combined sewer overflows

Chart 3: Loan List – Projected Binding Commitments by Quarter

Project Name Communities Served	Project Number	Prior Year	BINDING COMMITMENT			
			Fiscal Year 1990		Fiscal Year 1991	
			QTR 1	QTR 2 QTR 3 QTR 4	QTR 1 QTR 2 QTR 3 QTR 4	
<b>FY89</b>						
Section 212 POTW Projects						
Des Moines ICA	192001-01		9284			
Edgewood	192003-01		450			
Ft. Dodge	192004-01		1580			
Albia	192005-01		1174			
Oskaloosa	192007-01		2320			
<b>FY90</b>						
Section 212 POTW Projects						
Des Moines ICA	192001-02			9191		
Oskaloosa	192007-02			586		
Perry	192008-01			175		
Adel	192009-01			594		
Dows	192010-01			480		
Martensdale	192011-01			240		
Preston	192012-01			494		
VanMeter	192013-01			559		
Brandon	192014-01			292		
PGM-ADM (FY89)		510				
PGM-ADM (FY90)			435			
TOTALS		510	14808	435 12611	0	0 0 0 0
CUM TOTALS		510	15318	15753 28364 28364	28364 28364 28364	28364 28364
FY TOTALS		510		FY 90 27854	FY 91	0

Chart 4: Source and Allocation of SRF Funds by Quarter (Federal Fiscal Years)

Source of Funds	Part 1 Totals Amount (\$1000)	PRIOR YR FY89	Part II - PAYMENT SCHEDULE (\$1000)							
			FISCAL YEAR 1990				FISCAL YEAR 1991			
			QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4
FY 89 Capitalization Grant	12765	12765								
FY 90 Capitalization Grant	10872			10872						
FY 89 & 90 Section 205(M) Transfer	0									
FY 89 State Match	2553	2553								
FY 90 State Match	2174			2174						
State Contribution in Excess of Match	0									
Anticipated SRF Earnings	0									
Leveraged Funds	0									
In Excess of Capitalization Grants	0									
In Excess of State Match	0									
Repayments - Principal	0									
Repayments - Interest	0									
<b>TOTALS</b>	<b>28364</b>	<b>15318</b>	<b>0</b>	<b>13046</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
CUM EPA GRANT (by FY)	12765	12765	0	10872	10872	10872				
CUM STATE MATCH (by FY)	2553	2553	0	2174	2174	2174				
STATE MATCH AS % OF EPA GRANT	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%				

Chart 5: FY90 Payment Schedule

Projected increases to SRF letter of credit

SRF PAYMENTS (\$1000)							
QTR 1	QTR 2	FY 1990		FY 1991			TOTAL
		QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	
0	10872	0	0	0	0	0	10872

Note: Payment (Letter of Credit) is expected to follow the Capitalization Grant Offer  
 FY90 Payment is equal to 83.3% of binding commitments for FY90 Section 212  
 POTW Projects and Program Administration needs for FY90.

Chart 6: Project by Level Disbursement (\$1000)

Based on Disbursement Start Date

Project Name Communities Served	Project Number	Const Start Date	Eligible Cost	SRF DISBURSEMENT								Out * Year	
				Fiscal Year 1990				Fiscal Year 1991					
				QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4		
<b>FY89</b>													
Section 212 POTW Projects													
Des Moines ICA	192001-01	12/89	9284		1000	1000	1500	2284	2000	1500			
Edgewood	192003-01	5/89	450	350	100								
Ft. Dodge	192004-01	2/90	1580		200	400	400	300	280				
Albia	192005-01	3/90	1174			100	100	100	200	200	200	274	
Oskaloosa	192007-01	3/90	2320		50	400	500	550	500	320			
<b>FY90</b>													
Section 212 POTW Projects													
Des Moines ICA	192001-02	7/90	9191				1838	1838	1839	1838	1838		
Oskaloosa	192007-02	10/90	586					146	147	147	146		
Perry	192008-01	5/90	175			87	88						
Adel	192009-01	5/90	594			198	198	198					
Dows	192010-01	8/90	480				240	240					
Martensdale	192011-01	5/90	240			80	80	80					
Preston	192012-01	10/90	494					164	166	164			
VanMeter	192013-01	6/90	559			186	187	186					
Brandon	192014-01	10/90	292					73	73	73	73		
Program Adm.		N/A	945	75	75	75	75	100	100	100	100	245	
TOTALS				425	1425	2526	5206	6259	5305	4342	2357	519	
CUM TOTALS				425	1850	4376	9582	15841	21146	25488	27845	28364	
FY TOTALS					FY 90		9582		FY 91		18263	519	

\* Disbursements which extend beyond FY 1991

*Motion was made by Clark Yeager for approval to take to public hearing the State Revolving Fund Intended Use Plan for 1990. Seconded by Richard Hartsuck. Motion carried unanimously.*

FINAL RULE--CHAPTER 41, WATER SUPPLIES

The Department requests the Commission adopt the revised rules of Chapter 41 "Water Supplies" relating to general public notification requirements and synthetic organic chemical monitoring requirements for public water supply's. The background and explanation of the proposed revisions are included in the preamble of the attached rules.

A copy of the Departments responsiveness summary to the oral comments received during the public hearings and written comments is also attached.

(Rule and responsiveness summary is shown on the following 16 pages)

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION

Rules Pertaining to Chapter 41  
"Water Supplies"

PUBLIC PARTICIPATION RESPONSIVENESS SUMMARY  
FOR  
CHAPTER 41 - "WATER SUPPLIES"  
Amendments  
Public Notification and  
SOC Technical Corrections

November 29, 1989

The following discussion constitutes a summary of  
oral comments received on the proposed rules  
Chapter 41 - Water Supplies

Three public hearing were held for the purpose of receiving written or oral comments on the proposed rules. Hearings were held at; 10:30 a.m. on October 10, 1989 in the Denison Community Room, City Hall, Denison, Iowa, 10:30 a.m. on October 11, 1989 in the 5th floor east conference room of the Wallace State Office Building and 10:30 a.m. on October 12, 1989 in the Amana Room of Iowa Hall, Kirkwood Community Collage, Cedar Rapids, Iowa.

Participants were present only during the October 11, 1989 hearing. Two individuals signed the roster to make comments. Only one person, a Mr. Jack Kegel of the Iowa Association of Municipal Utilities, made comment pertinent to the proposed rule changes and the comment is;

Comment: The commentor generally had no problem with the standard language required in the public notice when specific contaminants were detected but felt the whole method of public notice was burdensome.

Response: The general requirements for public notice (newspaper and mail) are more complex than prior requirements (newspaper OR mail) but are consistent with EPA regulations and are necessary to insure consistency with federal regulations in order to retain delegation of the federal program.

Recommended Action: No change.

The following discussion constitutes a summary of  
written comments received on the proposed rules  
Chapter 41 - Water Supplies

The EPA was provided a draft copy of the proposed rule changes on July 12, 1989 for review and comment. A latter version of the rule changes, approved by the Commission, was provided on July 20, 1989. EPA submitted the following comments on November 17, 1989.

1. Comment:

41.5(2)"a" pertains to the general procedures for public notice and require notice by either daily newspaper OR weekly newspaper and mail. They are not equivalent to EPA regulations which require, in all instances, publication by both newspaper and mail.

Response/Recommended Action:

The Department agrees. The paragraphs will be reworded to be consistent with EPA regulations and require notification "by publication in a daily newspaper".."and by mail delivery".

2. Comment:

41.5(2)"a"(5) pertains to the alternate procedures for notification by non-community water supplies. It is not equivalent to EPA rules because it did not specify in this section that repeat hand delivery notices must be done every three months.

Response/Recommended Action:

The proposed subparagraph, as well as 41.5(2)"a"(5), will be changed to further emphasize the requirement. 41.5(2)"a"(4) and "a"(5) will be changed to "Hand delivery must be repeated every three months or posting must continue for as long as the violation or failure exists." The subparagraphs have also been renumbered to improve the clarity of the section.

3. Comment:

41.5(2)"a"(3), pertaining to repeat procedures for public notification, is unclear and subject to differing interpretations because it does not specify mail or hand delivery as the only accepted means of notification.

Response/Recommended Action:

The proposed subparagraph will be changed to specify that there are only two acceptable methods - "mail delivery."

4. Comment:

41.5(2)"c" pertains to notification of new and existing customers. EPA recommended the paragraph be separated into two sections because it addressed two separate areas: (1) notice of available information on unregulated SOC testing and (2) notice to new customers of existing violations. EPA noted it to require ALL public water supplies, not just community public water supplies, to provide appropriate notice to new billings.

Response:

The paragraph consolidates several subsections of new and existing regulations for ease in interpretation and administration. The wording is essentially the same as in existing rules. The Department choose to handle community and noncommunity the same, recognizing that such instances would rarely be applicable to noncommunity water systems and where applicable, would place no undue burden on them.

Recommended Action:

No changes recommended.

5. Comment: Editorial Corrections

Several editorial comments by EPA pertaining to grammatical corrections, typing errors/omissions and cross references, etc., where cited.

Response/Recommended Action:

EPA comments were taken into account and appropriate corrections made.

6. Comment:

EPA recommended incorporating acute and nonacute violation classifications and mandatory public notice language for fecal coliform/E. coli into this rule change.

Response:

The incorporation of the new EPA Coliform rules will be addressed when that section of the rules are revised in 1990. The Department does not believe it appropriate to incorporate those provisions at this time, without giving the general public an opportunity to comment.

Recommended Action:

No change.

7. Comment:

EPA felt that referencing the MCL violation notification procedures (41.5(2)"a") to describe the procedures for non-MCL violations, (41.5(2)"b") could be confusing, particularly in reference to modified water supply operation permits.

Response/Recommended Action:

The only significant difference in the procedures for MCL and non-MCL violation notification is the time interval between occurrence and notice. Rather than repeat the lengthy procedure, the procedure was referenced and the exception, notice within three months by newspaper only, was clearly specified. Deleting the words "and modified permits" from the title of this paragraph should further eliminate any confusion.

8. Comment:

EPA noted that the Department did not include the option for public water supplies, at the Departments discretion, to provide public notice less often for minor violations. The rule would allow the violator to give notice no less than once a year.

Response:

No example justifying less frequent notice were provided in federal regulations and no applicable situation in state enforcement could be anticipated by the Department. The Department, therefore, does not see a need to incorporate a procedure that would not insure timely notification of the public. The additional provision is not recommended.

Recommended Action:

No change.

9. Comment:

EPA recommend the use of italicizes for the words "permanent" and "developing" in the required language of notice for excess fluoride in public drinking water.

Response:

It is the policy of the Code Editor not to allow random italicizes in the rules. Issuance of the rules without the italicizes will not compromise the intent of the rules. The italicizes may be incorporated into example notices supplied to public water supplies.

Recommended Action:

No change.

10. Comment:

EPA noted 41.4(5)"h"(1) to be different than EPA regulations because of the wording "equal to or greater than" and "less than" 500 service connections rather than "equal to or less than" and "greater than".

Response/Recommended Action:

The subparagraph will be reworded to insure consistence with EPA regulations and specify "greater than 500" and "less than 501" service connections.

11. Comment:

EPA questioned the use of the term "interim MCL" in 41.5(2)"e", 41.12(10) and 51.5(3) which could be confused with the term MCL.

Response/Recommended Action:

The Department will use the term "interim contaminant level" consistently and make changes to the applicable sections.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources amends 567--Chapter 41, "Water Supplies," Iowa Administrative Code.

The Notice of Intended Action was published in the September 20, 1989 Iowa Administrative Bulletin as ARC 209A. Public hearings were held on October 10, 1989, October 11, 1989 and October 12, 1989. The amendments were adopted on January 17, 1990. Changes to the amendments to Chapter 41 proposed in the Notice of Intended Action have been made as the result of comments from the Environmental Protection Agency.

These water supply rules pertain to new general public notification requirements concerning a public water supply system's failure to comply with a maximum contaminant level (MCL), treatment techniques, or a compliance schedule. Rules concerning volatile synthetic organic chemicals (SOCs) are also amended. Comments received are summarized and responded to in a written responsiveness summary which has been filed with the Administrative Rules Coordinator.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part I.

These rules shall become effective March 14, 1990 after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

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ITEM 1. Amend subrule 41.3(2) paragraph "d," as follows:

d. Synthetic organic chemicals contaminants. The maximum contaminant levels for synthetic organic chemicals contaminants (SOC) apply to community water systems and nontransient noncommunity water systems. Compliance with the maximum contaminant level is calculated pursuant to 41.4(5)"i."

	<u>Level in milli-</u> <u>grams per liter</u>
Benzene	0.005
Vinyl chloride	0.002
Carbon tetrachloride	0.005
1,2-Dichloroethane	0.005
Trichloroethylene	0.005
1,1-Dichloroethylene	0.007
1,1,1-Trichloroethane	0.20
para-Dichlorobenzene	0.075

ITEM 2. Amend subrule 41.4(5) paragraph "a," as follows:

a. Groundwater systems shall sample at points of entry to the distribution system representative of each well after any application of treatment. Sampling must be conducted at the same location(s) or a more representative location(s) every three months for one year ~~each-quarter---~~Groundwater-systems

~~must-sample-every-three-months-for-each-entry-point-to-the-distribution-system~~ except as provided in subparagraph "h"(1) of this subrule.

ITEM 3. Amend subrule 41.4(5) paragraph "g," introductory paragraph, as follows:

g. Upon request, the department may allow public water supply systems to composite up to five samples from one or more sources. Compositing of samples is to be done in the laboratory by the procedures listed below. Samples must ~~should~~ be analyzed within 14 days of collection. If any organic contaminant listed in 41.3(2)"d" is detected in the original composite sample, a sample from each source that made up the composite sample must be reanalyzed individually within 14 days from sampling. The sample for reanalysis cannot be the original sample, but can be a duplicate sample. If duplicates of the original samples are not available, new samples must be taken from each source used in the original composite and analyzed for the SOC's specified in 41.3(2)"d." Reanalysis must be accomplished within 14 days of the second sample. To composite samples, the following procedure must be followed:

ITEM 4. Amend 41.4(5) paragraph "h," introductory paragraph and subparagraphs (1) and (2), as follows:

h. The department may reduce the monitoring frequency specified in paragraphs "a" and "b" of this subrule, ~~as follows:~~

(1) The monitoring frequency for groundwater systems is as follows:

When SOC's are not detected in the first sample (or any subsequent samples that may be taken) and the system is not vulnerable as defined in subparagraph "h"(4) of this subrule, monitoring may be reduced to one sample and must be repeated every five years.

When SOC's are not detected in the first sample (or any subsequent sample that may be taken) and the system is vulnerable as defined in subparagraph "h"(4) of this subrule,

Monitoring (i.e., one sample) must be repeated in every three years for systems with ~~equal-to-or~~ greater than 500 service connections; and

Monitoring (i.e., one sample) must be repeated every five years for systems with less than 500 501 service connections.

If SOC's are detected in the first sample (or any subsequent sample that may be taken), regardless of vulnerability, monitoring must be repeated every three months, as required under paragraph "a" of this subrule.

(2) The repeat monitoring frequency for surface water systems is as follows:

When SOC's are not detected in the first year of quarterly sampling (or any other subsequent sample that may be taken) and the system is not vulnerable as defined in subparagraph "h"(4), monitoring is required every five years.

When SOC's are not detected in the first year of quarterly sampling (or any other subsequent sample that may be taken) and the system is vulnerable as defined in subparagraph "h"(4) of this subrule,

Monitoring must be repeated every three years for systems with ~~equal-to-or~~ greater than 500 service connections; and

Monitoring must be repeated every five years for systems with less than 500 501 service connections.

When SOC's are detected in the first year of quarterly sampling (or any other subsequent sample that may be taken), regardless of vulnerability, monitoring must be repeated every three months, as required under paragraph "b" of this subrule.

ITEM 5. Amend subrule 41.4(5), paragraph "h," subparagraph (5), as follows:

(5) A system is deemed to be vulnerable for a period of three years after any positive measurement of one or more contaminants listed in either

41.3(2)"d" or 41.4(7)"e" or "j" except for trihalomethanes or other demonstrated disinfection by-products.

ITEM 6. Amend subrule 41.4(5) by rescinding paragraphs "o" and "p" and relettering paragraph "q" as "o."

ITEM 7. Amend subrule 41.4(7), paragraph "b," as follows:

b. Surface water systems shall sample at points in the distribution system representative of each water source or at entry points to the distribution system after any application of treatment. The minimum number of samples is one year of quarterly samples per water source.

ITEM 8. Amend subrule 41.4(7), paragraph "c," as follows:

c. Groundwater systems shall sample at points of entry to the distribution system representative of each well after any application of treatment. The minimum number of samples is one sample per entry point to the distribution system.

ITEM 9. Amend subrule 41.4(7), paragraph "i" as follows:

i. Public water supply systems may use monitoring data collected anytime after January 1, 1983, to meet the requirements for unregulated monitoring, provided that the monitoring program was consistent with the requirements of this subrule. In addition, the results of EPA's Ground Water Supply Survey may be used in a similar manner for systems supplied by a single well.

ITEM 10. Amend subrule 41.4(7), paragraph "k," as follows:

k. Instead of performing the monitoring required by this subrule, a community water system or nontransient noncommunity water system serving fewer than 150 service connections may send a letter to the department stating that its system is available for sampling. ~~Samples are not required unless requested by the department.~~ The letter must be sent to the state no later than January 1, 1991. The system shall not send such samples to the department, unless requested to do so by the department. All community and nontransient noncommunity water systems shall repeat the monitoring required in this subrule no less frequently than every five years from the dates specified in 41.4(7)"a".

ITEM 11. Amend subrule 41.4(7) by adding the following new paragraph:

1. The department or the public water supply systems may composite up to five samples when monitoring for the substances in 41.4(7)"e" or "j".

ITEM 12. Amend subrule 41.5(1) by rescinding paragraph "c" and inserting in lieu thereof the following:

c. The public water supply system, within ten days of completion of each public notification required pursuant to subrule 41.5(2), shall submit to the department a representative copy of each type of notice distributed, published, posted, or made available to the persons served by the system or to the media.

ITEM 13. Rescind subrule 41.5(2) and insert in lieu thereof the following:

41.5(2) General public notification requirements:

a. Maximum contaminant level (MCL), treatment technique and compliance schedule violations. The owner or operator of a public water supply system which fails to comply with an applicable MCL established by 41.3 (455B), treatment technique established by 41.12(10) or which fails to comply with the requirements of any compliance schedule prescribed pursuant to 41.6(5), shall notify persons served by the system as follows:

(1) By publication in a daily newspaper of general circulation in the area served by the system as soon as possible, but in no case later than 14 days after the violation or failure, and by mail delivery (by direct mail, with the water bill, or by hand delivery) not later than 45 days after the violation or failure. The department may waive mail delivery if it determines that the

owner or operator of the public water system in violation has corrected the violation or failure within the 45-day period. The department must make the waiver in writing and within the 45-day period.

If the area served by a public water supply system is not served by a daily newspaper of general circulation, notice shall instead be given by publication in a weekly newspaper of general circulation serving the area and by mail delivery.

(2) For violations of the MCLs of contaminants that may pose an acute risk to human health, the owner or operator of a public water supply system shall, as soon as possible but in no case later than 72 hours after the violation, furnish a copy of the notice to the radio and television stations serving the area served by the public water system in addition to meeting the requirements of 41.5(2)"a"(1). The following violations are acute violations:

1. Any violations specified by the department as posing an acute risk to human health.

2. Violation of the MCL for nitrate as established in 41.3(1) and determined according to 41.4(3)"c."

(3) Following the initial notice given under 41.5(2)"a"(1) and (2), the owner or operator of the public water supply system must give notice at least once every three months by mail delivery (by direct mail, with the water bill or by hand delivery), for as long as the violation or failure exists.

(4) The owner or operator of a community water system in an area that is not served by a daily or weekly newspaper of general circulation must, in lieu of the requirements of 41.5(2)"a"(1), (2) and (3) give notice within 14 days (72 hours for an acute violation) after the violation or failure by hand delivery or by continuous posting in conspicuous places within the area served by the system. Hand delivery must be repeated every three months or posting must continue for as long as the violation or failure exists.

(5) The owner or operator of a noncommunity water system may, in lieu of the requirements of 41.5(2)"a"(1), (2) and (3), give notice within 14 days (72 hours for an acute violation) after the violation or failure by hand delivery or by continuous posting in conspicuous places within the area served by the system. Hand delivery must be repeated every three months or posting must continue for as long as the violation or failure exists.

b. Other violations. The owner or operator of a public water supply system which fails to perform monitoring required by rule 41.4 (455B), fails to comply with a testing procedure established in 567--Chapter 41, is subject to an interim contaminant level or compliance schedule pursuant to 41.5(3), or an unregulated contaminant is detected and the department advises that public notification is necessary, shall notify persons served by the system within three months by the methods described in 41.5(2)"a"(1) by newspaper only or by applicable methods described in 41.5(2)"a"(4) or (5). Notice must continue by methods described in 41.5(2)"a" for as long as the violation exists, an interim contaminant level or compliance schedule remains in effect or the unregulated contaminant is detected.

c. Notice of available information. The owner or operator of a public water supply system shall notify persons served by the system of the availability of the results of sampling conducted for synthetic organic chemicals, under 41.4(7), by including a notice in the first set of water bills issued by the system after the receipt of the results or written notice within three months. For surface water supply systems, public notification is required only after the first quarter's monitoring and must include a statement that additional monitoring will be conducted for three or more quarters with the results available upon request. The owner or operator shall

also provide to all new billing units or new hookups prior to or at the time service begins, a copy of the most recent public notice for any outstanding violation of any maximum contaminant level established by 41.3 (455B), results of sampling conducted under 41.4(7), any notice of a treatment technique requirement established by 41.12(10) and notice of any failure to comply with the requirements of any schedule prescribed pursuant to 41.6(5). The notice shall provide a person and telephone number to contact for information.

d. General content of public notice. Each notice required by this subrule must provide a clear and readily understandable explanation of the violation, any potential adverse health effects, the population at risk, the steps that the public water system is taking to correct the violation, the necessity for seeking alternative water supplies, if any, and any preventive measures the consumer should take until the violation is corrected. Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems that frustrate the purpose of the notice. Each notice shall include the telephone number of the owner, operator, or designee of the public water supply system as a source of additional information concerning the notice. Where appropriate, the notice shall be multilingual.

e. Mandatory health effects language. When providing the information on potential adverse health effects required by paragraph "d" of this subrule in notices of violations of maximum contaminant levels or treatment technique requirements, or notices of the granting or the continued existence of interim contaminant levels or compliance schedules, or notices of failure to comply with an interim contaminant level or compliance schedule, the owner or operator of the public water system shall include the language specified below for each contaminant. (If language for a particular contaminant is not specified below at the time notice is required, this paragraph does not apply.)

(1) Benzene. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that benzene is a health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(2) Carbon tetrachloride. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are

exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for carbon tetrachloride at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(3) 1,2-Dichloroethane. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes, and resins. It generally gets into drinking water from improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for 1,2-dichloroethane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(4) 1,1-Dichloroethylene. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for 1,1-dichloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(5) Fluoride. The U.S. Environmental Protection Agency requires that we send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of \_\_\_\_\_ (the public water supply shall insert the compliance result which triggered notification under this subrule) milligrams per liter (mg/l).

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/l in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/l for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/l. This is intended to alert families about dental problems that might affect children under nine years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/l reduces the number of dental cavities. However, some children exposed to

levels of fluoride greater than about 2.0 mg/l may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining or pitting of the permanent teeth.

Because dental fluorosis occurs only when developing teeth (before they erupt from the gums) are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride. Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase your water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available.

For further information, contact \_\_\_\_\_ (the public water supply shall insert the name, address, and telephone number of a contact person at the public water system) at your water system.

(6) Para-dichlorobenzene. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls, and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed to high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(7) 1,1,1-Trichloroethane. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system, and circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(8) Trichloroethylene. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry-cleaning fluid. It generally gets into drinking water

by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(9) Vinyl chloride. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for vinyl chloride at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

f. Special notice requirements.

(1) Public notices for floride.

1. Community water systems as defined in 40.2(455B) that exceed the fluoride maximum contaminant level established by 41.3(1), are issued an interim contaminant level or compliance schedule pursuant to 41.6(5) or violate an interim contaminant level or compliance schedule pursuant to 41.6(5) shall issue the public notice prescribed by 41.5(2)"e"(5) including the language necessary to replace the superscripts plus a description of any steps which the system is taking to come into compliance.

2. Public notification requirements for violations of the secondary fluoride maximum contaminant level. Community water systems as defined in 40.2(455B) that exceed the secondary maximum contaminant level of 2.0 mg/l for fluoride as determined by the last single sample taken in accordance with the requirements of 41.4(3), but do not exceed the maximum contaminant level for fluoride as specified by 41.3(1), shall provide the notice prescribed in 41.5(2)"e"(5) to all billing units annually, all new billing units at the time service begins, and to the director of the Iowa public health department. The notice shall contain the language specified in 41.5(2)"e"(5) in addition to the language necessary to replace the superscripts.

(2) Public notification requirements pertaining to lead.

1. Within 30 days after the effective date of these rules, September 14, 1988, the owner or operator of each community water system and each nontransient noncommunity water system shall, except as provided in 41.5(2)"f"(2)"2", issue a notice to persons served by the system that may be affected by lead contamination of their drinking water. The department may require subsequent notices. The owner or operator shall provide notice under

this subparagraph even if there is no violation of the lead maximum contaminant level as prescribed in 41.3(1).

2. Notice required under 41.5(2)"f"(2)"1" is not required if the system demonstrates to the department that the water system, including the residential and nonresidential portions connected to the water system, are lead-free as defined in 40.2(455B).

3. Manner of notice. Notice shall be given to persons served by the system either by three newspaper notices (one for each of three consecutive months and the first no later than 30 days after the effective date of these rules); or once by mailing the notice with the water bill or in a separate mailing within 30 days after the effective date of these rules; or once by hand delivery within 30 days after the effective date of these rules. For nontransient noncommunity water systems, notice may be given by continuous posting. If posting is used, the notice shall be posted in a conspicuous place in the area served by the system and start no later than 30 days after the effective date of these rules, and continue for three months.

4. Notices issued under this subparagraph shall provide a clear and readily understandable explanation of the potential sources of lead in drinking water, potential adverse health effects, reasonably available methods of mitigating known or potential lead content in drinking water, any steps the water system is taking to mitigate lead content in drinking water, and the necessity for seeking alternative water supplies, if any. Use of the mandatory language in 41.5(2)"f"(2)(6) in the notice will be sufficient to explain potential adverse health effects.

5. Each notice shall also include specific advice on how to determine if materials containing lead have been used in homes or the water distribution system and how to minimize exposure to water likely to contain high levels of lead. Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems that frustrate the purpose of the notice. Each notice shall contain the telephone number of the owner, operator, or designee of the public water system as a source of additional information regarding the notice. Where appropriate, the notice shall be multilingual.

6. Mandatory health effects information. When providing the information in public notices required under 41.5(2)"f"(2)"4" on the potential adverse health effects of lead in drinking water, the owner or operator of the water system shall include the following specific language in the notice:

"The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that lead is a health concern at certain levels of exposure. There is currently a standard of 0.050 parts per million (ppm). Based on new health information, EPA is likely to lower this standard significantly.

"Part of the purpose of this notice is to inform you of the potential adverse health effects of lead. This is being done even though your water may not be in violation of the current standard.

"EPA and others are concerned about lead in drinking water. Too much lead in the human body can cause serious damage to the brain, kidneys, nervous system, and red blood cells. The greatest risk, even with short-term exposure, is to young children and pregnant women.

"Lead levels in your drinking water are likely to be highest:

- if your home or water system has lead pipes, or
- if your home has copper pipes with lead solder, and
  - if the home is less than five years old, or
  - if you have soft or acidic water, or

- if water sits in the pipes for several hours."

g. Public notification by the department. The department may give notice to the public required by this subrule on behalf of the owner or operator of the public water system if the department complies with the requirements of this subrule. However, the owner or operator of the public water system remains legally responsible for ensuring that the requirements of this subrule are met.

ITEM 14. Rescind subrules 41.5(3) and 41.5(4) and insert in lieu thereof the following:

41.5(3) Required public notification for operation permits. When the director determines that a public water supply cannot promptly comply with one or more maximum contaminant levels of 41.3(455B) and that there is no immediate, unreasonable risk to the health of persons served by the system, a draft operation permit or modified permit will be formulated, which may include interim contaminant levels or a compliance schedule. Prior to issuance of a final permit, notice and opportunity for public participation must be given in accordance with this paragraph. The notice shall be circulated in a manner designed to inform interested and potentially interested persons of any proposed interim contaminant level or compliance schedule.

a. The public notice shall be prepared by the department and circulated by the applicant within its geographical area as described in 41.5(2). The public notice shall be mailed by the department to any person upon request.

b. The department shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the tentative determinations with respect to the operation permit. All written comments submitted during the 30-day comment period shall be retained by the department and considered by the director in the formulation of the director's final determinations with respect to the operation permit. The period for comment may be extended at the discretion of the department.

c. The contents of the public notice of a proposed operation permit shall include at least the following:

(1) The name, address, and phone number of the department.

(2) The name and address of the applicant.

(3) A statement of the department's tentative determination to issue the operation permit.

(4) A brief description of each applicant's water supply operations which necessitate the proposed permit conditions.

(5) A brief description of the procedures for the formulation of final determinations, including the 30-day comment period required by 41.5(3)"b."

(6) The right to request a public hearing pursuant to this paragraph and any other means by which interested persons may influence or comment upon those determinations.

(7) The address and phone number of places at which interested persons may obtain further information, request a copy of the draft permit prepared pursuant to this paragraph, and inspect and copy the application forms and related documents.

d. Public hearings on proposed operation permits. The applicant or any interested agency, person or group of persons may request or petition for a public hearing with respect to the proposed action. Any such request shall clearly state issues and topics to be addressed at the hearing. Any such request or petition for public hearing must be filed with the director within the 30-day period prescribed in 41.5(3)"b" and shall indicate the interest of

the party filing such request and the reasons why a hearing is warranted. The director shall hold an informal and noncontested case hearing if there is a significant public interest (including the filing of requests or petitions for such hearing) in holding such a hearing. Frivolous or insubstantial requests for hearing may be denied by the director. Instances of doubt should be resolved in favor of holding the hearing. Any hearing held pursuant to this subrule shall be held in the geographical area of the system, or other appropriate area at the discretion of the director, and may, as appropriate, consider related groups of permit applications.

e. Public notice of public hearings.

(1) Public notice of any hearing held pursuant to this paragraph shall be circulated at least as widely as was the notice under 41.5(3)"a," at least 30 days in advance of the hearing.

(2) The contents of public notice of any hearing held pursuant to this paragraph shall include at least the following:

1. The name, address, and phone number of the department;
2. The name and address of each applicant whose application will be considered at the hearing;
3. A brief reference to the public notice previously issued, including identification number and date of issuance;
4. Information regarding the time and location for the hearing;
5. The purpose of the hearing;
6. A concise statement of the issues raised by the person requesting the hearing;
7. The address and phone number of the premises where interested persons may obtain further information, request a copy of the draft operation permit or modification prepared pursuant to this paragraph, and inspect and copy the application forms and related documents; and
8. A brief description of the nature of the hearing, including the rules and procedures to be followed.

f. Decision by the director. Within 30 days after the termination of the public hearing held pursuant to this paragraph, or if no public hearing is held, within 30 days after the termination of the period for requesting a hearing, the director shall issue or deny the operation permit.

41.5(4) Record maintenance requirements. Any owner or operator of a public water system subject to the provisions of this rule shall retain on its premises or at a convenient location near its premises the following records:

a. Records of bacteriological analyses made pursuant to this part shall be kept for not less than five years. Records of chemical analyses made pursuant to 567--Chapter 41 shall be kept for not less than ten years. Actual laboratory reports shall be kept, or data may be transferred to tabular summaries, provided that the following information is included:

- (1) The date, place, and time of sampling, and the name of the person who collected the sample;
- (2) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;
- (3) Date of analysis;
- (4) Laboratory and person responsible for performing analysis;
- (5) The analytical technique or method used; and
- (6) The results of the analysis.

b. Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less than three

years after the last action taken with respect to the particular violation involved.

c. Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, state or federal agency, shall be kept for a period of not less than ten years after completion of the sanitary survey involved.

d. Records concerning a permit issued pursuant to 41.5(3) to the system shall be kept for a period ending not less than five years after the system achieves compliance with 41.3(455B).

ITEM 15. Rescind and reserve rule 567--41.7(455B). [see 41.5(3)]

ITEM 16. Amend subrule 41.12(10), paragraph "a," as follows:

a. The department identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant level for synthetic organic chemicals listed in 41.3(2)"d": Central treatment using packed tower aeration or central treatment using granular activated carbon for all these chemicals (except vinyl chloride).

ITEM 17. Amend subrule 41.12(10), paragraph "b," as follows:

b. The department shall require community water systems and nontransient noncommunity water systems to install and or use any treatment method identified in 41.12(10) as a condition for granting an interim contaminant level except as provided in paragraph "c." If, after the system's installation of the treatment method, the system cannot meet the maximum contaminant level, the that system shall be eligible for a compliance schedule with an interim contaminant level granted under the provisions of 41.7(455B) 41.5(3).

ITEM 18. Amend subrule 41.12(10), paragraph "c," as follows:

c. If a system can demonstrate through comprehensive engineering assessments, which may at the direction of the department include pilot plant studies, that the treatment methods identified in 41.12(10) would only achieve a de minimis reduction in contaminants, the department may issue a schedule of compliance that requires the system being granted the interim contaminant level to examine other treatment methods as a condition of obtaining an interim contaminant level.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

(A:EP41.MIN/361-89)

*Motion was made by Mike Earley to approve Final Rule--Chapter 41 Amendment, Water Supplies. Seconded by Clark Yeager. Motion carried unanimously.*

NATIONWIDE PERMIT #26

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission requested information about 401 certification and nationwide permit #26 during the December meeting. Department staff will present information about the Corps Section 404 permit program, nationwide permit #26, and Section 401 Iowa water quality certification.

Mr. Stokes presented a history of the permit process covering Section 404 permits, Section 401 permits and Nationwide Permit 26. He explained authority and regulations under these permits. Mr. Stokes stated that nationwide permits were designed to alleviate administrative burdens on the Corps of Engineers (COE) associated with permit processing. In general, nationwide permits regulate minor projects which have little or no impact to the environment on a national scale. Individual permits are still required by the COE on large scale projects and also for projects which have potential impacts to the environment such as hydraulic dredging of harbors and major stream channelizations. Mr. Stokes stated that in a letter of May 29, 1984, the director of the Department of Water, Air and Waste Management (DWAWM) denied blanket certification for 404 permits in the State of Iowa. This was a mutual decision between the Iowa Conservation Commission and DWAWM.

## Section 404 Dredge and Fill Permits

In 1972, the U.S. Army Corps of Engineers (COE) was given the authority to regulate nonpoint source discharges of dredged or fill material into waters of the United States under Section 404 of the federal Water Pollution Control Act (referred to as the Clean Water Act). The role of the COE in the regulation of nonpoint discharges gradually strengthened as the scope and authority of the Clean Water Act was expanded. Nationwide permits were designed to alleviate administrative burdens associated with permit processing. In general, nationwide permits regulate minor projects which have little or no impact to the environment such as boat ramps and certain bank stabilization measures (riprap). Individual permits are required for large scale projects, and for projects which have potential impact to the environment. Examples of projects that would require an individual permit are hydraulic dredging of harbors and stream channelizations that would eliminate meanders or significantly reduce the length of the stream.

State Section 401 water quality certification must be granted before any Section 404 permit may be issued. Section 401 certification is an agency's concurrence that a project will be conducted in a manner which will not violate the applicable state water quality standards. A state may issue "blanket" 401 certification for nationwide permits, conditionally certify, or deny certification and review each project individually. Regional permits are similar to nationwide permits but are specific to one state or group of states. Nationwide permits are renewed every five years, but may be modified as needed or when requested by agencies that participate in the review process. Final rules were promulgated for nationwide permits in 1986 and most of these permits will need to be renewed in 1991.

By letter dated May 29, 1984, the Executive Director of the Iowa Department of Water, Air, and Waste Management denied Section 401 Iowa water quality certification for nationwide permits 18, 23, and 26. Individual or partial review of projects falling under nationwide permit 26 is required by most states that border Iowa.

Minnesota	Conditional
Wisconsin	Conditional
Illinois	Individual Review
Missouri	Individual Review
Nebraska	Individual Review
South Dakota	Blanket Certification
Iowa	Individual Review

Nationwide permit 26 regulates placement of fill into wetland areas of less than one acre and other types of activities. Although wetland fills of less than one acre may appear to be insignificant, these areas provide important habitat to waterfowl and furbearers. Recent national policy decisions have placed great emphasis on wetland preservation and there are programs at the federal and state level to enhance and create wetlands. Many of these sites are less than one acre in size. This agency has pursued a goal of no net loss of wetlands in the state, and has not allowed the fill of a wetland without mitigation for the habitat loss. Total actions taken and actions taken for nationwide permit 26 are shown in the tables below. COE fact sheets and a copy of the letter denying certification of nationwide permit 26 are attached.

Table I: Actions Taken During Calendar Year 1989

Apps Received	Actions Taken	Cert. w/o Conditions	Cert. w/ Conditions	Denied Cert.
174	173	81	77	15

Table II shows applications reviewed and actions taken specifically for nationwide permit 26. Table II is a subset of Table I.

Table II: Actions Taken For Projects Regulated By Nationwide Permit 26 During Calendar Year 1989

Apps Received	66	Actions Taken 57		
Project Type	Cert. w/o Conditions	Cert. w/ Conditions	Denied Cert.	
wetland fill	1	7	9	
channel changes	0	21	2	
miscellaneous *	11	6	0	

\* jetties, riprap, rock riffle dams, boat ramps

A copy of attachments to this item are on file in the department's Records Center.

This was an informational item; no action was required.

FINAL RULE--CHAPTERS 60, 61, AND 62, WATER QUALITY STANDARDS

Chairperson Mohr stated that the Commission received a request from State Representatives David Osterberg and Don Shoultz to address this item and that they will not be available until 9:30 a.m.; this item will be taken up at that time.

FINAL RULE--CHAPTER 22, AIR MODELING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

At the September Environmental Protection Commission meeting approval was granted to take the attached draft rules to public hear

This proposed rule change would update the rule reference as to the computer dispersion modeling to be used in justifying an application for a Prevention of Significant Deterioration (PSD) permit.

Public hearing were held on November 27, 1989, in Oakdale; November 28, 1989, in Atlantic; and December 6, 1989 in Des Moines.

One person attended and no one commented.

Comments could be submitted through December 6, 1989.

No written comments were submitted.

Therefore, you are asked to approve the draft rules as published.

(Rule is shown on the following page)

ENVIRONMENTAL PROTECTION COMMISSION [567]  
Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission adopts an amendment to Chapter 22, "Controlling Pollution," Iowa Administrative Code.

This amendment pertains to the adoption of the most recent revisions to the EPA technical document "Guideline on Air Quality Models" and to the procedures for modeling the effects of air emissions from major stationary sources proposed to be constructed or modified which are located in areas designated attainment or unclassified.

Any person interested in receiving a copy of the federal guidelines adopted by reference may contact the Department of Natural Resources. Copies are available upon request from the Department for the cost of reproduction.

This amendment appeared as a Notice of Intended Action, ARC 412A, in the Iowa Administrative Bulletin published on November 15, 1989. There were no comments on the proposed amendment and the amendment is identical to that published as ARC 412A.

These rules are intended to implement Iowa Code section 455B.133.

These rules will become effective March 14, 1990.

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Amend subrule 22.4(1) to read as follows:

22.4(1) Federal rules 40 C.F.R. 52.21(a) (Plan Approval), 52.21(q) (Public Participation), 52.21(s) (Environmental Impact Statement), and 52.21(u) (Delegation of Authority), are not adopted by reference. Also, for the purposes of 40 C.F.R. 52.21(1), the department adopts the 1986 edition of EPA's document "Guideline on Air Quality Models (Revised) (EPA Publication 450/2-78-027R)" as amended by "Supplement A to the Guideline on Air Quality Models (Revised) (EPA Document EPA-450/2-78-027R, Supplement A, July 1987)."

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Date

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Larry J. Wilson, Director

(A:EP22A.MIN/363-89/rg)

*Motion was made by Nancylee Siebenmann to approve Final Rule--Chapter 22, Air Modeling. Seconded by William Ehm. Motion carried unanimously.*

PROPOSED RULE--CHAPTER 23, NATIONAL EMISSION STANDARDS FOR  
HAZARDOUS AIR POLLUTANTS (NESHAPS)-ASBESTOS DEMOLITION AND  
RENOVATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Air Pollutants, which are delegateable to the states, with the exception of asbestos demolition and renovation operations. The Department is now proposing to adopt these asbestos regulations by reference.

The NESHAPS rules proposed for adoption are federally enforceable at this time. Adoption of the rules by IDNR would not impose any additional restrictions on industry but merely transfer the primary authority to the department for enforcing the regulations.

Attached for your approval is a copy of a notice of intended action. A copy of the department's draft plan for the implementation of the asbestos demolition and renovation rules was provided to the Commission in January.

(Proposed rule is shown on the following 20 pages)

ENVIRONMENTAL PROTECTION COMMISSION (567)  
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 23, "Emission Standards for Contaminants" by proposing to adopt by reference recently promulgated federal regulations pertaining to emission standards for hazardous air pollutants by including an additional pollutant category.

In order to prevent new air pollution problems, by Section 112 of the Clean Air Act, the EPA was required to adopt emission standards for "hazardous air pollutants," those pollutants which cause or contribute to air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness. These standards apply to new and existing sources and are adopted by reference by subrule 567--23.1(3)(455B).

In greater detail, the following amendment is proposed:

Item 1 amends subrule 567--23.1(3)(455B) by including federal regulations adopted by reference pertaining to asbestos demolition and renovation operations. These are regulations, specified in 40 CFR Part 61, which were promulgated by EPA in 1984 and which the Department of Natural Resources is now proposing to adopt.

Any person interested in receiving a copy of the federal regulations proposed to be adopted by reference may contact the Department of Natural Resources. Copies are available upon request from the Department for the cost of reproduction.

Any interested party may file a written statement of position on the subjects covered by the proposed rules no later than \_\_\_\_\_. These written statements should be directed to the Director of the Department of Natural Resources, 900 East Grand Avenue, Des Moines, Iowa 50319-0034. Persons or organizations are also invited to present oral or written comments at a public hearing on these proposed amendments which will be held on a date and time to be announced in the Iowa Administrative Bulletin.

These rules are intended to implement Iowa Code section 455B.133.

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The following amendment is proposed:

ITEM I. Subrule 567--23.1(3)(455B) is amended as follows:

23.1(3) Emission standards for hazardous air pollutants. The federal standards of emissions for hazardous air pollutants, 40 Code of Federal Regulations Part 61 as amended through March 19, 1987, are adopted by reference, except 40 CFR §61.20 to §61.28, §61.90, to 61.98, §61.100 to §61.108, §61.120 to 61.126, and ~~§61.145 to 61.147~~; and §61.250 to 61.252 and shall apply to the following affected pollutants and facilities and activities listed below. The corresponding 40 C.F.R. Part 61 subpart designation is in parentheses. Reference test methods (Appendix B), compliance status information requirements (Appendix A), quality assurance procedures (Appendix C) and the general provisions (Subpart A) of Part 61 also apply to the affected activities or facilities.

Further amend subrule 567--23.1(3)(455B) by revising the following paragraph:

a. Asbestos. Any of the following involves asbestos emissions: Asbestos mills, surfacing of roadways, manufacturing operations, fabricating, insulating, waste disposal, and spraying applications, and demolition and renovation operations. ~~Demolition-and-renovation-emissions-as-stated-in-40 GFR-§61:145-through-§61:147-are-not-included-~~ (Subpart M)

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Date

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Larry J. Wilson, Director

(A:EP23A.MIN/362-89/bkp)

**PLAN FOR IMPLEMENTATION OF THE  
NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS  
ASBESTOS DEMOLITION AND RENOVATION**

DECEMBER, 1989

DRAFT

PREPARED BY  
ENVIRONMENTAL PROTECTION DIVISION  
IOWA DEPARTMENT OF NATURAL RESOURCES

## INTRODUCTION

The U.S. Environmental Protection Agency (EPA) sets National Emission Standards for Hazardous Air Pollutants (NESHAPs) as required by Section 112 of the Clean Air Act. The Environmental Protection Division of the Iowa Department of Natural Resources intends to request delegation of the authority to implement and enforce the portion of the asbestos NESHAP regulating demolition and renovation emissions. This plan represents the Department's proposal for implementing and enforcing this portion of the asbestos NESHAP. This conforms with the Department's commitment in the FY 90 State/EPA Agreement to seek delegation of this program in FY 90.

## PURPOSE

To protect the health of the general public and the environment from asbestos emissions generated during demolition and renovation of buildings in Iowa

## AUTHORITY

A Legal Services opinion dated November 28, 1989, specifies sections of the Code of Iowa which give the Department authority to implement and enforce the National Emission Standard for Asbestos. A copy of this opinion is included in Appendix A.

## PROGRAM MANAGEMENT PLAN

The Department will be the agency of the State of Iowa responsible for the asbestos NESHAP program. Implementation of the program will be accomplished by the cooperative efforts of three separate state agencies: Iowa Department of Natural Resources (DNR), Iowa Department of Public Health (DPH), and Iowa Department of Employment Services (DES). The Iowa DPH and Iowa DES will provide certain expertise, assistance and work effort in the role of "contractors" to the Iowa DNR as set forth in and bound by formal interagency agreements authorized by Iowa statute.

The Iowa DPH and Iowa DES have existing responsibilities relating to asbestos regulation. Iowa DPH currently conducts an ongoing, aggressive and effective program for identifying and controlling asbestos exposures in public schools in Iowa pursuant to state statute and federal cooperative agreement. A detailed description of this program is included in Appendix B. Iowa DES currently conducts an ongoing, aggressive and effective occupational safety and health program and an asbestos contractor licensing, certification and inspection program pursuant to state statute and federal delegation of authority in Iowa. A detailed description of this program is included in Appendix C.

### I. NOTIFICATIONS AND DATA MANAGEMENT

Iowa DNR will receive the asbestos NESHAP notifications, track them in the computerized data management system, review them for compliance with the NESHAP regulations, and take appropriate enforcement action for notification violations using DNR's enforcement policy.

Notifications, inspections and enforcement actions will be tracked using a personal computer database. This database will be provided by EPA. The probable system will be Asbestos Contractor Tracking System (ACTS). EPA will load the Iowa DNR system with the past asbestos data from the EPA system. Both DPH and DES will have on-line access to this system through a computer bulletin board. Periodic reporting to EPA will be extracted from this system.

### II. INSPECTIONS

Iowa DNR will, through interagency agreement with Iowa DES, ensure that all asbestos contractors conducting work in Iowa are inspected at least once per year. Through interagency agreement with DES and DPH, Iowa DNR will ensure that a representative number of asbestos renovation and demolition projects are inspected annually (approximately three hundred inspections per year). Iowa DNR may conduct a number of pre-demolition inspections of projects which are not covered by AHERA.

Through a joint effort by all three agencies, inspection forms will be modified to

adequately document NESHAP compliance status. Use of the modified forms, transmission of completed reports to DNR, and referral of NESHAP violations to DNR will be incorporated within the interagency agreements.

DNR staff will review inspection reports as they are received and ensure that the relevant data is entered into the computer database.

All state asbestos inspection staff will receive EPA asbestos NESHAP training. Periodic EPA training will be utilized to familiarize new staff with the program requirements and to review the requirements with existing staff.

All inspectors will utilize safety equipment as prescribed by their respective agencies. Training, certification and recertification on the use of this safety equipment will be maintained for each inspector.

### III. LABORATORY ANALYSIS

Samples taken during inspections will be handled according to each agency's chain of custody procedures. Samples will be analyzed by the State Hygienic Laboratory, University of Iowa. The State Hygienic Laboratory has been certified to perform asbestos bulk material analyses by the National Institute of Standards and Technology (certification # 1288). It has also received accreditation from the American Industrial Hygiene Association for counting of asbestos fibers in air samples (accreditation # 31). The National Institute of Standards and Technology has just begun reviewing laboratories for accreditation of asbestos analyses using transmission electron microscopy. The State Hygienic Laboratory is scheduled for this review and anticipates receiving certification for this procedure.

### IV. ENFORCEMENT

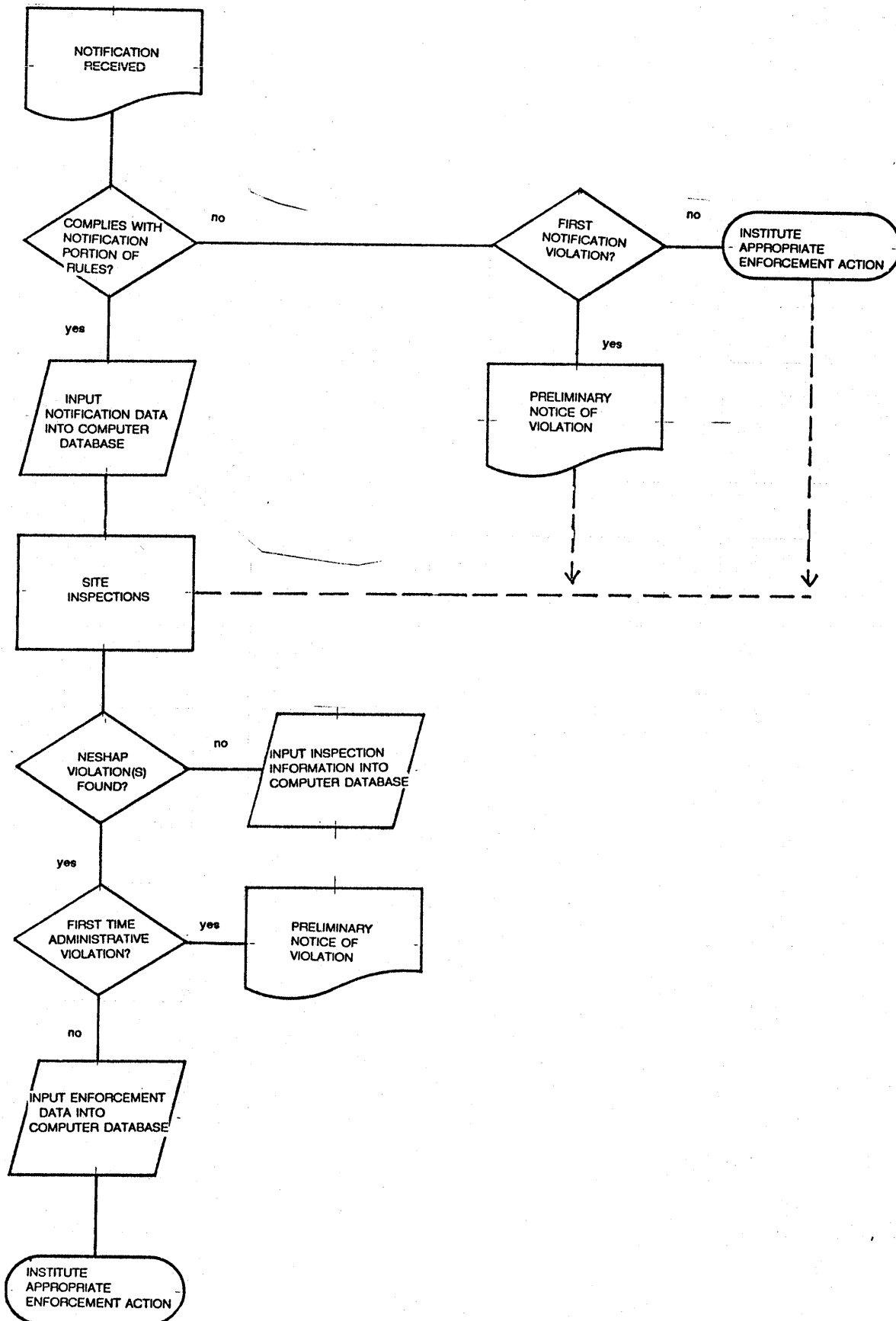
NESHAP violations will be handled as any other air quality violation, using the existing enforcement policy (See Figure 1). First time, administrative type violations will result in a Notice of Violation being sent to the violator. Second violations and significant violations will be referred with appropriate documentation to the Legal Services Bureau for issuance of an Administrative Order. This order may include a penalty of up to \$1000. In cases of more serious violations, including violations of existing Administrative Orders, the Environmental Protection Commission will be requested to refer the case to the Attorney General for appropriate court action including penalties up to \$5000 per day and/or injunctive relief.

The three agencies will meet at least quarterly to discuss inspection and enforcement issues.

Enforcement actions will be tracked in the computer database.

FIGURE 1

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS  
ASBESTOS DEMOLITION AND RENOVATION



## V. CONTRACTOR CERTIFICATION

For a business to remove or encapsulate asbestos, it must first obtain a license from the Iowa DES. Such businesses are also required to train every employee that comes into contact with asbestos. The Iowa DES certifies workers involved in asbestos removal/encapsulation after satisfying asbestos handling and personal protective equipment. The Iowa DES may reprimand a licensee or suspend or revoke a license for cause.

As part of the interagency agreements, this information will be made available to Iowa DNR and Iowa DPH.

## VI. REPORTING

The Iowa DNR will report monthly, by transmission of floppy disks, information extracted from the asbestos computer database for the reporting period.

## IMPLEMENTATION

A schedule for implementation of the asbestos NESHAP program for regulating demolition and renovation is shown in Figure 2.

### I. DELEGATION

To obtain delegation of the asbestos NESHAP for regulating demolition and renovation emissions, the Iowa DNR intends to follow the procedure outlined in the Delegation of Authority for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants by the U.S. Environmental Protection Agency to the State of Iowa Under 111 and 112 of the Clean Air Act.

The Iowa DNR intends to request that the Environmental Protection Commission propose to adopt the asbestos NESHAP for demolition and renovation, by reference, at its February meeting. A public notice would be issued, and public hearings would be held to accept comments on the proposed rules. The DNR staff plans to request that the the Commission adopt the rules at its April meeting.

This would allow for EPA delegation of this NESHAP to the Iowa DNR in June.

### II. INTERAGENCY AGREEMENTS

The Iowa DNR will work with the Iowa DPH and Iowa DES to obtain a first draft of the interagency agreements in January. These agreements will be finalized in March.

### III. NOTIFICATION TRACKING

EPA will assist the Iowa DNR in gathering information concerning available databases for tracking asbestos compliance using personal computers. The Asbestos Contractor Tracking System is a likely choice. Final selection will be made by April 1990.

### IV. INSPECTOR TRAINING

The Iowa DNR will work with EPA to define training needs for the state inspection staff. EPA NESHAPs and personnel protection and safety training will be utilized. Training is projected to occur in June 1990.

FIGURE 2

ASBESTOS DEMOLITION AND RENOVATION PROGRAM IMPLEMENTATION NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS								
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG
DELEGATION	DNR Draft Request	Initial EPA Response		Commission Approve Formal Request	DNR Formal Request	EPA Grant Delegation		
RULES ADOPTION	Notice of Intended Action to Commission INFORMATION ONLY	Commission Approval of Notice of Intended Action	Public Hearings	Commission Adopt Rules				
INTERAGENCY AGREEMENTS	Draft		Final					
NOTIFICATION TRACKING	Gather Programs		Review	Select				
INSPECTOR TRAINING		Develop Needs				Train		

## APPENDIX A

## CERTIFICATION OF AUTHORITY

I hereby certify that the Department of Natural Resources has the legal authority presently existing in statutes to implement and enforce Subpart M of 40 CFR Part 61, sections 61.140--61.156, National Emission Standard for Asbestos.

This certification is based on the following statutory authorities:

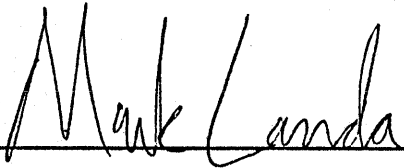
1. Iowa Code section 455B.133(2) authorizes the Environmental Protection Commission to adopt rules pertaining to the evaluation, abatement, control and prevention of air pollution. In addition, Iowa Code section 455B.133(4) authorizes the Commission to adopt "emission limitations or standards" relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source. Asbestos constitutes an "air contaminant" as defined by Iowa Code section 455B.131(1). Those sources subject to Subpart M and specified in 40 CFR §§ 61.142 through 61.153 constitute "air contaminant sources" as defined by Iowa Code section 455B.131(2). The Commission is, therefore, authorized to adopt rules regulating the emission of asbestos from the air contaminant sources subject to Subpart M in order to abate, control and prevent air pollution in Iowa.

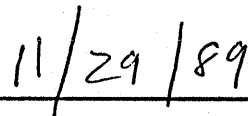
2. In addition to emission limits Subpart M specifies that certain procedures or "work practices" be followed in the demolition of buildings containing asbestos, 40 CFR §§ 61.145 through 61.147. The effect of these regulations is to curtail the quantity of asbestos which is emitted into the atmosphere during demolition. Iowa Code section 455B.133(4)"a"(1) specifically authorizes the Commission to adopt "work practice or operational standard or combination of those standards". The work practice shall be promulgated in terms of a standard of performance when it becomes feasible to promulgate and enforce the standard in those terms. (455B.133(4)"a"(3)) Furthermore, the Commission may adopt work practices when the application of measurement methodology to a particular class of sources is not practicable due to technological or economic limitations. (455B.133(4)"a"(4)). The EPA has determined that work practices are necessarily applied to the demolition of buildings due to technological and economic limitations. The Department accepts this determination and contends that the Commission is, therefore, authorized to adopt these standards.

Finally, in this regard I have reviewed the case Adamo Wrecking Company v. United States, 434 U.S. 275 (1978). In this case the Supreme Court ruled that the work practices described above did not constitute "emission standards" for the purposes of a criminal conviction under §112 of the Clean Air Act. Congress, coincidentally, amended section 112 to authorize the EPA to adopt design, equipment, work practice and operational standards, §112(e). The language of Iowa Code section 455B.133(4), although not identical to §112(e) is sufficiently similar in scope to authorize the Commission to adopt any existing and future federal regulations adopted pursuant to the authorization of §112 in general and §112(e) in particular.

3. Iowa Code section 455B.135 provides that the department or director has no authority or jurisdiction with respect to air pollution existing solely within residences or solely within commercial and industrial plants, works, or shops under the jurisdiction of chapters 88 and 91. This limitation is consistent with the department's mandate to prevent, abate, or control "air pollution" which is defined as the presence of contaminants in outdoor atmosphere. (455B.132, 455B.131(3)).

A review of the emission standards set forth in Subpart M indicates that sources subject to these requirements shall either discharge no visible emissions, clean emissions prior to discharge in accordance with 40 CFR § 61.154, or comply with procedures to prevent emissions to the outside air. The federal regulations, therefore, limit emissions to outside air. The adoption of these regulations by the Commission is authorized by Iowa Code section 455B.133(2) and 455B.133(4).

  
\_\_\_\_\_  
Mark Landa  
Legal Services

  
\_\_\_\_\_  
Date

ML:bsg/M332L01.01

## **APPENDIX B**

### **IOWA DEPARTMENT OF PUBLIC HEALTH**

## **IOWA DEPARTMENT OF PUBLIC HEALTH ASBESTOS HAZARDOUS EMERGENCY RESPONSE ACT**

The Iowa Department of Public Health (DPH) program relating to the Asbestos Hazardous Emergency Response Act (AHERA) is a compliance monitoring program to determine whether the Local Education Agencies (LEA's) are in compliance with AHERA and the Asbestos-Containing Materials in Schools Rule (40 CFR Part 763). Compliance assistance is also provided to the LEA's.

An accredited expert inspects the school to determine if asbestos is present. If asbestos is found, a detailed plan must be prepared which takes into account both NESHAP and OSHA regulations. This plan must be approved by the State. The actual removal or encapsulation must be done by a licensed contractor. DPH inspects schools prior to and during removal.

DPH compliance checks include:

1. Inspect and evaluate public and private school districts in Iowa to determine if specific requirements of the EPA regulations are adequately addressed utilizing EPA forms for reporting and documentation.
2. Audit and update existing school asbestos inspection records to ensure that any changes in asbestos status are documented including remodeling, specific abatement, general deterioration, etc.
3. Prepare and submit to EPA quarterly summaries of asbestos status of Iowa schools for use by state/federal agencies, media, school employee associations, etc.
4. Prepare and distribute informative communiques to school officials in order to inform them of the status of asbestos control in schools and to stimulate completion of abatement measures.
5. Serve as a resource to school officials needing assistance in dealing with asbestos problems in schools.
6. Collect samples, as needed, and send to the State Hygienic Laboratory for analysis.
7. Assist EPA in preparation of enforcement actions.

The program manager is updated on the asbestos program by EPA regional staff. The manager supervises the inspectors, assigns and assures completion of inspections, assists with training and submits required reports to EPA. The manager reviews all reports for completeness prior to forwarding them to EPA.

## **APPENDIX C**

### **IOWA DEPARTMENT OF EMPLOYMENT SERVICES**



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF EMPLOYMENT SERVICES  
DIVISION OF LABOR

MEMORANDUM

ALLEN J. MEIER  
COMMISSIONER

To: Department of Natural Resources  
Fr: Division of Labor Services

Re: Regulation of Asbestos Removal by the Division of Labor Services.

Date: July 26, 1989

FOCUS

In addressing the role the Division of Labor Services plays in the regulation of asbestos, the primary focus is with the removal and encapsulation of friable asbestos. In order to remove or encapsulate asbestos, a business entity must first obtain a license from the Division of Labor Services in order to engage in such activity. This requirement does not apply to a business entity which uses its employees for the purpose of renovating, maintaining or repairing its own facilities. These businesses must nevertheless adhere to the training requirements of Chapter 88B of the 1989 Iowa Code.

Beyond the licensing requirement imposed upon a business, the Division of Labor Services also requires a business to train employees on health and safety aspects involved in the removal or encapsulation of asbestos. Once the proper training courses have been completed, worker certification cards are issued to employees who must maintain these cards in their possession while working on an asbestos project.

The training course to be completed by workers shall address the identification of asbestos, its typical uses and a summary of abatement control options. The potential health effects related to asbestos exposure shall be addressed. Workers shall receive training regarding the use of personal protective equipment. Proper work practices shall be emphasized as well as matters relating to personal hygiene. Training shall also be provided in the areas of medical monitoring, air monitoring, possible safety hazards, and relevant federal and state regulatory requirements.

As for relevant state regulatory requirements the Division of Labor Services enforces, the Iowa Occupational Safety and Health Standards addresses the following:

- (1) The demolition or salvage of structures where asbestos, tremolite, anthophyllite, or actinolite is present;
- (2) The removal or encapsulation of materials containing asbestos, tremolite, anthophyllite, or actinolite;
- (3) The construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain asbestos, tremolite, anthophyllite, or actinolite;
- (4) The installation of products containing asbestos, tremolite, anthophyllite, or actinolite;
- (5) Asbestos, tremolite, anthophyllite, and actinolite spill/emergency cleanup; and
- (6) The transportation, disposal, storage, or containment of asbestos, tremolite, anthophyllite, or actinolite or products containing asbestos, tremolite, anthophyllite, or actinolite on the site or location at which construction activities are performed.

When engaging in asbestos removal, demolition, and renovation operations an employer is required to establish where feasible negative pressure enclosures before commencing removal, demolition, and renovation operations.

Once the enclosure is set up, an individual trained in all aspects of asbestos, tremolite, anthophyllite, or actinolite and their removal procedures, and other practices for reducing the hazard, shall

- (1) ensure the integrity of the enclosure;
- (2) control entry to and exit from the enclosure;
- (3) supervise all employee exposure monitoring;
- (4) ensure that employees working within the enclosure wear protective clothing and respirators as required;
- (5) ensure that employees are trained in the use of engineering controls, work practices, and personal protective equipment;
- (6) ensure that employees use the hygiene facilities and observe required decontamination procedures; and
- (7) ensure that engineering controls are functioning properly.

## INSPECTIONS

As far as asbestos inspections are concerned, the following laundry list details the scope of an inspection conducted by the Division of Labor Services:

Once an asbestos removal or encapsulation project has begun, the Division's Industrial Hygienist performs the following functions:

- (1) checks the integrity of the regulated area;
- (2) checks the respiratory protection program;
- (3) checks the employees respiratory discipline;
- (4) checks the removal or encapsulation process inside the regulated area to ensure it is being done according to OSHA specifications;
- (5) checks to see that adequate wetting methods are used in the removal or encapsulation process;
- (6) checks to see that there is proper containment;
- (7) checks to see that warning signs are posted;
- (8) checks training logs;
- (9) checks worker certification cards;
- (10) conducts air monitoring;
- (11) reviews air monitoring records; and
- (12) monitors employees for exposure to asbestos fibers.

## SCHEDULING OF INSPECTIONS

The Division of Labor Services has developed a procedure for scheduling inspections of businesses involved in the removal or encapsulation of asbestos. Priority of assignment of personnel resources for inspection categories are as follows:

<u>Priority</u>	<u>Category</u>
First	Investigation of Complaints
Second	Programmed Inspections for Newly Licensed Contractors

Third

Programmed Inspections for  
Established Companies with no  
prior history of previous  
inspections

Fourth

Programmed Inspections for  
Established Companies with a  
history of previous inspections

Some overlap exists in the procedure followed by personnel conducting inspections. For example, when scheduling an inspection the Industrial Hygienist will cross index a citizen complaint with a notification received by a business informing the Division of Labor Services of a pending project. If an established company is engaging in an asbestos removal project in the same vicinity as a business whom a complaint is filed against, both establishments will be inspected. This practice helps to minimize problems created by shortages in manpower and a lack of resources.

#### NOTICE REQUIREMENTS

Under I.A.C. 347-82.4(1) a person who intends to engage in an asbestos removal or encapsulation project shall notify the Division of Labor Services at least ten days in advance of beginning the project. If an emergency situation exists where there is an immediate danger to life, health or property, the division shall be notified within five days of the initiation of the project, and an explanation of the emergency situation shall be provided.

#### SUMMARY

The foregoing is a summary of the role the Division of Labor Services plays in regard to the regulation of asbestos. Generally, the Iowa Occupational Safety and Health Standards are concerned with employee exposure, respirator protection and the containment of asbestos fibers during the removal process which is to take place in a regulated area. I have enclosed for review a copy of state regulations and various materials pertaining to the removal or encapsulation of asbestos. For a more detailed analysis of the role the Division of Labor Services plays in the regulation of asbestos, please refer to the regulations provided.

January 1990

Environmental Protection Commission Minutes

Mr. Stokes gave a detailed explanation of the proposed rules.

This was an informational item; no action was required.

PROPOSED RULE--CHAPTER 25 AMENDMENTS AND NEW CHAPTER 30, AIR TOXICS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

At the request of the Environmental Protection Commission, an air toxics advisory panel was formed to review the air toxics rules drafted by the department. The panel has met, and a report including the panel's opinions on the rules will be forwarded to the Commission members under separate cover prior to the meeting. Highlights of the panel meetings and the panel's report will be presented to the Commission.

(Background, Synopsis, and Concensus is shown on the following 5 pages)

## BACKGROUND

Section 112 of the Clean Air Act requires that the United States Environmental Protection Agency (EPA) establish National Emission Standards for Hazardous Air Pollutants (NESHAPs). In the 19 years following enactment of the Clean Air Act of 1970, EPA has adopted NESHAPs for seven substances - arsenic, asbestos, beryllium, benzene, mercury, radionuclides, and vinyl chloride. EPA has been hampered from execution of an effective, comprehensive air toxics program because of the complexity of the process for listing and regulating air toxics and because of the numerous lawsuits following any EPA regulatory action in this area.

Recognising its own inability to address air toxics, EPA in 1985 began giving active support to state and local agencies for building and strengthening their own air toxic programs. EPA has required states to develop multi-year development plans to control air toxics. Iowa's current multi-year development plan addresses assessment of urban areas through emission inventory work and ambient air monitoring, evaluation of high risk sources, adoption and enforcement of the National NESHAPs, integration of air toxics in execution of the current and future amendments of the state implementation plan, and strengthening state and local air toxics capabilities.

The Department has been reviewing applications for air permits for new or modified existing sources for air toxic emissions on a case by case basis since 1987. The review criteria generally has been a maximum risk level of one excess cancer in 1,000,000 for carcinogens and Threshold Limit Value (TLV)/50 -300 for noncarcinogens. Applications to which the Prevention of Significant Deterioration (PSD) program applies have been reviewed for application of the Best Available Control Technology (BACT). Over 40 permits have been reviewed for air toxics.

In September 1989, an inventory of 64 Iowa facilities for air toxics was completed. This work was completed under contract with a consultant and included data collection by inventory forms, data review, site visits, computer database development and characterization and analysis of the inventoried substances. This information will be used by the Department to further evaluate the toxic emissions from these facilities.

In early 1989 department staff concluded that there was a real need to formalize the Department's policies regulating air toxics - both to address the problem that Iowans may be subject to unnecessary health risks from the emissions of toxic air pollutants if they are not adequately controlled and to define for the regulated community what requirements they will be expected to meet.

## FORMATION OF THE AIR TOXICS ADVISORY PANEL

In August 1989, department staff requested that the Environmental Protection Commission approve a Notice of Intended Action to receive public comments on proposed amendments to Chapter 25, Measurement of Emissions and the addition of a new Chapter 30, Control of Toxic Air Pollutants. The Commission requested that a panel of people representing environmental, public health, and business interests be formed to review and critique the rules drafted by the department.

This panel was formed by solicitation of volunteers from various groups in the state. The members included:

Nancylee Siebenmann - Iowa Environmental Protection Commission  
Richard Hartsuck - Iowa Environmental Protection Commission

John A. Eure - Iowa Department of Public Health

Peter Thorne - Center for Health Effects of Environmental Contamination  
University of Iowa

Bonnie J. Kay - Iowa Chapter of the American Lung Association

Judie Hoffman - Iowa Chapter of the League of Women Voters

Joe Bolkcom - Environmental Advocates, Iowa City

Lyle Krewson/Debbie Neustadt - Iowa Chapter of the Sierra Club

Kerry Fitzpatrick - Iowa Association of Business and Industry (Proctor & Gamble)  
George O. Pratt - Iowa Association of Business and Industry (ALCOA)  
Tom Ward - Iowa Association of Business and Industry (Monsanto)

Richard R. Dague - College of Engineering, Iowa State University

Representatives of EPA and department staff provided support to the panel. Three meetings of the panel were held. A synopsis of the meetings follows. Information handed out to the panel is included in the appendices.

## SYNOPSIS OF THE THREE PANEL MEETINGS

### OCTOBER 18, 1989 MEETING

- Terminology relating to air toxics was reviewed.
- Department has/is reviewing air permit applications for air toxics.
- Department's review criteria has been 1 in 1,000,000 for carcinogens and Threshold Limit Value/50-300 for noncarcinogens.
- Facilities have been able to meet the department's review criteria with one limited exception (Monsanto acrylonitrile project).  
(See Appendix B.)
- Air toxics emissions inventory of 64 facilities is a refinement of SARA data.
- Requirements of the draft air toxics rules (staff proposal) were reviewed.
- Components of air toxics programs in surrounding (8) states were highlighted.  
(See Appendices C and D.)
- There has been little progress in development of a federal air toxics program.
- EPA is emphasizing/requiring state and local air toxics programs.
- EPA's approach in the benzene NESHAP is 1 in 100,000 for the theoretical maximum exposed individual which would yield a risk level of 1 in 1,000,000 for 99% of the population.
- Air toxics proposals for Clean Air Act include Maximum Achievable Control Technology (MACT) in the first round and evaluation of residual emissions in the second round.
- Action must be taken on air toxics.

### NOVEMBER 1, 1989 MEETING

- Threshold Limit Values (TLVs) are based on human and animal studies.
- TLVs have received extensive peer review.
- TLVs are widely accepted.

- Risk assessment is the best available scientific approach for defining health effects of exposure to carcinogens.
- Risk assessment includes some conservative assumptions because of uncertainties or lack of data.
- Risk assessment is becoming more accurate.
- ABI panel members presented their concerns regarding the draft rules.  
(See Appendix E.)

#### DECEMBER 6, 1989 MEETING

- Panel members discussed issues.

#### AIR TOXICS ISSUES TO BE ADDRESSED

The panel members reached a consensus of opinion on the following issues.

Air toxics rules should be adopted in Iowa. The Panel is supportive of a comprehensive air toxics program in Iowa. There is nothing to be gained in waiting for future federal direction.

The air toxics rules should include a specific list of substances regulated. This eliminates uncertainty for both the regulated community and the department staff. There should be some flexibility on what is considered toxic. If there is new information available to department staff since the last update of the rules, and regulated list of substances, then the department should have the ability to use this information under its general legislative authority. The American Conference of Governmental Industrial Hygienist's list with some exceptions is a suggested list for noncarcinogenic toxic air pollutants. Carcinogens and their associated unit risk factors extracted from the EPA computerized Integrated Risk Information System (IRIS) is the suggested list for carcinogens. These lists would need to be updated on a regular basis.

"Noncarcinogen" should be changed to "Noncarcinogenic toxic air pollutant" in the definitions of the rules.

The rules should specify levels of air toxics below which no regulations would apply. These levels should be related to the relative toxicity of each air toxic.

The date on which existing facilities must comply with the rules should be the same for all facilities. The members felt this would be the fairest approach, allowing no

competitive advantage to certain facilities. This could be the effective date of the rules or some future date specified in the rules. Concern was expressed by some panel members over the language in the staff's proposed rules that existing facilities would be subject to the rules "upon notification by the department".

Best Available Control Technology (BACT) should be required of all regulated facilities that emit toxic air pollutants. One area of potential concern was the possibility that EPA could define BACT differently than the state.

For noncarcinogenic toxic air pollutants, Threshold Limit Value (TLV)/100 should be the maximum ambient concentration of a pollutant allowed by the rules.

An opportunity for public participation in the permitting process should be provided. A fact sheet which accompanies the draft permit should include potential health effects of all toxic air pollutants emitted.

There were divergent opinions on the following issues.

There were two opinions on how to address the time period allowed for existing facilities to achieve compliance. One opinion was that the rules should include definite time frames and they should be the shortest, reasonable times. Those supporting this opinion stated that affected facilities would already be aware of potential regulation and could be using the time prior to effective rules to assess their air toxics. Also, the majority of the assessment work by facilities would already be completed for the Superfund Amendments and Reauthorization Act (SARA). The other opinion was that the time period allowed for achieving compliance should be split into three parts - report assessment of toxic air emissions, submit emission reduction plan, and execute emission reduction plan - and definite time frames should not be specified in the rules. Among those supporting this opinion, there was some discussion in favor of including in the rules a definite time frame for assessment. There was no definite agreement reached on a time period, but 9 months was mentioned during the discussion.

All panel members with one exception supported evaluation of residual emissions after application of BACT and the requirement that the residual emissions be less than a specified level. One member felt that risk assessment (for carcinogens) should only be used for screening and guidance.

Concerning the criteria to be used to evaluate carcinogens, all members supported a maximum risk of 1 in 1,000,000 as a goal. As a requirement to be included in the rules, there were three opinions supported by various panel members. One opinion was to use 1 in 1,000,000. Another opinion was to evaluate risk levels between 1 in 100,000 and 1 in 1,000,000 on a case by case basis (with risk levels of 1 in 1,000,000 or less specified as acceptable in the rules, and risk levels of 1 in 100,000 or greater specified as unacceptable). The third opinion was to evaluate risk levels between 1 in 10,000 and 1 in 1,000,000 on a case by case basis (with risk levels of 1 in 1,000,000 or less specified as acceptable in the rules, and risk levels of 1 in 10,000 or greater specified as unacceptable).

Mr. Stokes discussed the proposed rules and provided a synopsis of the three meetings held by the review panel. The Commission received a copy of the report entitled "Report of the Air Toxics Advisory Panel to the Environmental Protection Commission." A copy of the complete report is on file in the department's Records Center.

Mr. Stokes stated that two problematic areas which will need to be addressed are whether or not to look at residual factors beyond best available control technology (BACT) or to stop at BACT, and what will be the regulatory threshold if we look at residual risks beyond BACT.

Nancylee Siebenmann commented that she was impressed by the excellent process used in studying the rules. She feels this process should be used when such a controversial matter is to be discussed.

Richard Hartsuck echoed Commissioner Siebenmann's comments and added that it was the political process at it's best dealing with a very difficult question. He related that staff afforded excellent support.

This was an informational item; no action was required.

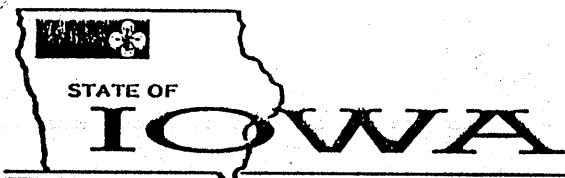
#### FINAL RULE--CHAPTERS 60, 61, AND 62, WATER QUALITY STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

At the December meeting the Environmental Protection Commission moved to modify the rules as proposed by the staff and then approved tabling the motion for a month. It was implicit in the motion to table the decision that staff should have further discussions with the US EPA on the proposed Water Quality Standards. The discussions were to identify if the US EPA would accept an alternative criterion for the proposed ammonia standard and result in a reduction in potential cost to cities and industry in Iowa that will be required to meet the proposed standard.

As of January 2, 1990 the department staff has presented the US EPA with two alternatives and their response has been received on one of them. It is expected that the US EPA response to the second alternative will be available at the time of the meeting. The letters to the US EPA and their first response are attached. Also attached is a copy of the proposed rules presented to the Commission in December for approval. The alternatives presented to the US EPA and EPA's response will be discussed along with a staff recommendation.

(Proposed rule & related correspondence is shown on following 36 pages)  
E90Jan-114



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

LARRY J. WILSON, DIRECTOR

December 12, 1989

Morris Kay, Regional Administrator  
US EPA Region 7  
726 Minnesota Avenue  
Kansas City, Kansas 66101

Dear Mr. Kay:

The Iowa Department of Natural Resources has been working on adopting an acceptable set of water quality standards for the last two years. We have worked closely with your Water Management Division staff and have progressed to the stage where we have taken proposed rules to public hearing and asked the Environmental Protection Commission to approve the rules. The proposed rules follow the federal guidance where possible, especially in the areas of permit limit derivation and numerical criteria.

The proposed rules have received numerous comments and the League of Municipalities requested the Commission delay adoption of the proposed rules for six months so a closer look at the impact of the rules and additional negotiation could take place with EPA. The primary concern of both the League and the people that commented on the proposed rules is the cost of implementation. We estimated that the cost to implement the rules as proposed to the Commission was 601.1 million dollars over 10 years. The benefits were estimated to be 6 million dollars per year. These costs relate to revisions in current ammonia standards. We estimate an additional 12 to 30 million dollars in costs to control other toxic pollutants.

The Commission did not approve delaying the adoption of the proposed rules for six months but they did table the decision to approve the rules until next month and requested the staff of DNR to modify the proposal so as to reduce the financial impact of the proposed rules. Since the proposed ammonia standard was the primary reason for the costs of implementation, the Commission asked specifically that the proposed ammonia standard be modified. The purpose of this letter is to get your agency's quick review and immediate response to a modification of the proposed rules.

The modification to be made will be limited to the ammonia standard. No changes are to be made to the numerical criteria, mixing zone, flow to be used for dilution or permit derivation procedure for the toxic pollutants. The ammonia standard will be modified

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so the present numerical criteria will be maintained (ie. no two number criteria), the mixing zone process in the proposed rules will be kept, however, 100% of the stream flow will be used for dilution of the ammonia in the wasteload allocation calculation rather than 25% as was originally proposed. Permit limits will be the same as the wasteload allocation and the permit derivation procedure suggested by EPA's permit writers guide will not be applied to ammonia.

I request that you review the proposed modification and indicate to me if this is acceptable to EPA. If it is not acceptable to EPA, and the modification is adopted by the Commission, it is important to know the specific actions EPA will take. It would be helpful to the Commission if you would enumerate your alternative action.

Since DNR and EPA has discussed the proposed water quality standards in detail, it would be beneficial to the DNR if EPA could outline the minimum ammonia standard acceptable. I would request that this information be provided to me so that it can be forwarded to the Commission for their review. I would hope that we could receive your written response by January 5, 1990 on these questions.

Please contact me if you need additional information. I plan to be in your offices on December 18, 1989 and will be available to meet with you or your staff to discuss this issue.

Sincerely,



Allan E. Stokes  
ADMINISTRATOR  
ENVIRONMENTAL PROTECTION DIVISION

AES:dm

cc: Timothy Amsden, Acting Director, Water Management Division



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
726 MINNESOTA AVENUE  
KANSAS CITY, KANSAS 66101

DEC 22 1989

OFFICE OF  
THE REGIONAL ADMINISTRATOR

Allan E. Stokes, Administrator  
Environmental Protection Division  
Iowa Department of Natural Resources  
Wallace State Office Building  
Des Moines, Iowa 50319-0034

Dear Mr. Stokes:

The failure of the Iowa Environmental Protection Commission to adopt proposed revisions to Iowa's water quality standards at its December 1989 meeting raises concerns with respect to implementation of the Clean Water Act (CWA) by the state.

Your December 12 letter asked what EPA's actions would be if the Commission adopted a modification to the proposed ammonia standard maintaining the present ammonia criteria. In addition, you suggested using 100 percent streamflow for all ammonia wasteload allocation calculations with permit limits being the same as the wasteload allocation. These modification are unacceptable to EPA, and if adopted, we would initiate promulgation of acceptable ammonia criteria for Iowa.

You also asked us to outline the minimum acceptable ammonia standard. It is our position that the numeric criteria submitted to the Commission on December 11, 1989, are the minimum acceptable criteria. The possibility of assuming complete mixing conditions was raised in our October 13, 1989, comment letter and it remains an option in some situations. However, use of 25 percent of the streamflow for the mixing zone when rapid and complete mixing does not occur is the appropriate option for most streams. Also, the minimum acceptable permit derivation procedure must result in permit limits that assure the appropriate numeric criteria are met.

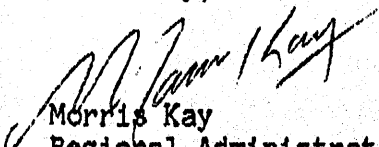
As we stated in our October 13, 1989, comment letter and at the Technical Committee meeting in September, it is likely the true costs of implementing the proposed new standards are considerably less than estimated due to the conservative assumptions regarding design conditions, mixing zones, existing treatment plant performance, treatment plant process construction costs, and the extrapolation techniques used to develop the statewide estimates of costs. Even though DNR made minor revisions to the final cost analysis, the major points of our previous analysis hold, and we still consider the costs overstated.

In addition to our comments on the proposed ammonia standard, you should be aware of the consequences for failure to adopt appropriate criteria for 307(a) toxics. EPA plans to initiate national promulgation of numeric criteria for states that do not meet the February 4, 1990, Section 303(c)(2)(B) deadline for adoption of priority pollutant criteria for aquatic life and human health protection. Further delay by Iowa in adopting the proposed aquatic life toxics criteria and in developing and adopting necessary human health criteria may result in Iowa being included in that national promulgation effort.

As you indicated in your letter, we have worked with Iowa for over two years in developing the appropriate standards revisions. We encourage you to move forward as expeditiously as possible and offer whatever assistance EPA can provide in completing the standards adoption process.

If you have additional questions or need further information, please contact Larry B. Ferguson, at (913) 236-2817.

Sincerely,

  
Morris Kay  
Regional Administrator



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

LARRY J. WILSON, DIRECTOR

December 26, 1989

Morris Kay, Regional Administrator  
US EPA Region 7  
726 Minnesota Avenue  
Kansas City, Kansas 66101

Dear Mr. Kay:

Thank you for your quick response to my letter of December 12, 1989 asking for your agency's position on an alternative to the proposed water quality standards that were before the Environmental Protection Commission at their meeting earlier this month.

I have reviewed your comments and I am requesting your review and position of one additional alternative water quality standard for ammonia. Again this alternative would be limited to the ammonia standard. The standards and permit derivation procedures for all other toxics would remain as set forth in our original proposal to the EPC. The ammonia standard would be modified so there will be a stationary two number criteria. The present numerical criteria will be maintained as the chronic numerical criteria and additional numeric criteria would be adopted to protect for acute toxic conditions. As an example, the present Class B warm water numerical criterion for ammonia is 2 mg/l in the summer and 5 mg/l in the winter. This alternative would keep these numbers to protect against chronic toxic conditions and we would adopt 10 mg/l and 25 mg/l to protect against acute toxic conditions in the summer and winter, respectively. This ammonia numerical criteria would apply statewide and is based on the common understanding that the median water temperature of Iowa streams is 1 degree C in the winter and 20 degrees C in the summer and the pH of streams is 7.5 in the winter and 8.0 in the summer. We would use 10 % of the stream flow in the wasteload allocation for calculation of the acute toxic limit and 100 % of the stream flow to calculate the chronic toxic limit. The remainder of the mixing zone process in the proposed rules will be kept. Permit limits will be calculated by multiplying the wasteload allocation by 0.67 as proposed in the rules presented to the EPC and consistent with the federal guidance for permit writers.

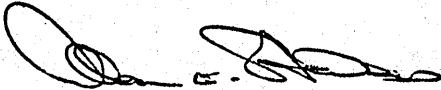
I request that you review this alternative and indicate to me if this is acceptable to EPA. I believe it meets your guidance on the minimum acceptable ammonia standard presented in your letter of December 22, 1989 except that the numerical ammonia standard is pH and temperature related instead of pH and temperature de-

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pendent. This alternative protects against acute and chronic toxicity for most situations, the use of 100 % of the stream flow is used only for calculating the chronic toxic wasteload allocation and an EPA acceptable factor is used to convert the wasteload allocation into a permit limit.

Again I hope that we could receive your written response to this alternative by January 5, 1990. Please contact me if you need additional information.

Sincerely,



Allan E. Stokes.  
ADMINISTRATOR  
ENVIRONMENTAL PROTECTION DIVISION

AES:dm

Timothy Amsden, Acting Director, Water Management Division

ENVIRONMENTAL PROTECTION COMMISSION [567]  
Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources amends Chapter 60, "Scope of Title-Definitions- Forms-Rules of Practice," Chapter 61, "Water Quality Standards," and Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limitations or Prohibitions," Iowa Administrative Code.

As required by the U.S. Environmental Protection Agency (EPA), water quality standards are periodically reviewed for technical accuracy, incorporation of current scientific data and consistency with EPA guidelines and requirements.

A Notice of Intended Action was published on August 9, 1989, as ARC 103A reflecting proposed changes to water quality standards from this review. Public hearings were held on August 29, 1989, August 30, 1989, August 31, 1989 and September 6, 1989.

The amendments were adopted on November 21, 1989. Modifications to the proposed rules as published under the notice have been made in the mixing zone restrictions, use of diffuser pipes, and the submittal of additional instream data. Numerous written and oral comments were received and addressed in a responsiveness summary available from the department. This summary and an economic impact statement are on file with the Administrative Rules Coordinator.

These rules are intended to implement Iowa Code chapter 455B, division III, part I. These rules become effective February 14, 1990, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

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ITEM 1. Amend rule 60.2 (455B) by revising the definition for "secondary contact" to read as follows:

"Secondary contact" means any recreational or other water use in which contact with the water is either incidental or accidental and in which the probability of ingesting appreciable quantities of water is minimal, such as fishing, commercial and recreational boating and any limited contact incidental to shoreline activity. This would include users who do not swim or float in the waterbody while on a boating activity.

Further amend rule 60.2 (455B) by adding the following new definitions in alphabetical order:

"Acute toxicity" means that level of pollutants which would rapidly induce a severe and unacceptable impact on organisms.

"Chronic toxicity" means that level of pollutants which would, over long durations or recurring exposure, cause a continuous, adverse or unacceptable response in organisms.

"Crossover point" means that location in a river or stream in which the flow shifts from being principally along one bank to the opposite bank. This crossover point usually occurs within two curves or an S-shaped curve of a water course.

"Seven-day, ten-year low stream flow" means the lowest average stream flow which would statistically occur for seven consecutive days once every ten years.

"Intermittent watercourses" means watercourses which contain flow associated with rainfall/runoff events and which periodically go dry even in pooled areas.

"Losing streams" means streams which lose 30 percent or more of their flow during the seven-day, ten-year low stream flow periods to cracks and crevices of rock formations, sand and gravel deposits, or sinkholes in the streambed.

"Minimum flow" means that established stream flow in lieu of the seven-day, ten-year low stream flow to which the provisions of 567--Chapter 61 apply.

"Mixing zone" means a delineated portion of a stream or river in which wastewater discharges will be allowed to combine and disperse into the water body. The chronic criteria of subrule 61.3(3) will apply at the boundary of this zone.

"Water contact recreational canoeing" means the type of activities associated with canoeing outings in which primary contact with the water does occur. This would include users who swim or float in the water body while on a canoeing outing.

"Zone of initial dilution" means a delineated portion of a mixing zone in which wastewater discharges will be allowed to rapidly combine and begin dispersing into the water body. The acute criteria of subrule 61.3(3) will apply at the boundary of this zone.

ITEM 2. Amend subrule 61.2(1), third unnumbered paragraph, as follows:

Certain of the criteria are in narrative form without numeric limitations. In applying such narrative standards, decisions will be based on the U.S. Environmental Protection Agency's methodology described in "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses," 1985 and on the rationale contained in "Quality Criteria for Water," published by the U.S. Environmental Protection Agency (1977), as updated by supplemental Section 304 (of the Act) Ambient Water Quality Criteria documents.

ITEM 3. Amend subrule 61.2(2), paragraph "b," by deleting the list of 49 water bodies entirely and by amending the first paragraph as follows:

b. Chemical integrity: Those existing high-quality waters; named below; For those water bodies where water quality significantly exceeds levels necessary to protect existing uses and the waters designated as high quality in subrule 61.3(5)"e", that water quality will be maintained at or above existing quality, except when;---after---full---satisfaction---of---the intergovernmental coordination and public participation provisions of the continuing-planned-process; it is determined by the Environmental Protection Commission after public hearing and after intergovernmental coordination and public participation provisions noted in the continuing planning process that there is need to allow a lower the chemical quality because of necessary and justifiable economic and or social development in the area. In-allowing-such degradation-or-lowered-chemical-quality;-theThe state shall assure ensure adequate chemical quality to fully protect existing uses.

ITEM 4. Amend subrule 61.2(2), paragraph "c," as follows:

c. It is intended that rules defining facility design criteria; discharge limitations; and other restrictions will be adopted by the commission for specific application to antidegradation waters: --West Lake Okoboji is an outstanding Iowa lake; and standardsStandards and restrictions more stringent than those applied to other antidegradation waters may be applied by the commission to West Lake Okoboji those waters listed below when it is determined through-broadly-based-public-participation that such more stringent standards and restrictions are justified necessary to fully maintain water quality at existing levels.

West Lake Okoboji in Dickinson County.

ITEM 5. Amend subrule 61.2(2), paragraph "d," as follows:

d. The Mississippi River and the Missouri River do not meet existing-high quality-waters the criteria of 61.2(2)"c" but nevertheless constitute waters of exceptional state and national significance. Water quality management decisions regulatory-actions-affecting-them will be made in consideration of directed-toward-water-quality-improvement-commensurate-with the exceptional value of the resource.

ITEM 6. Amend subrule 61.2(2), paragraph "f," introductory paragraph, as follows and delete the list of 43 water bodies:

f. Physical and biological integrity: The waters designated as high-quality resource waters in subrule 61.3(5)"e" will receive protection of existing uses through maintaining water quality levels necessary to fully protect existing uses or improve water quality to levels necessary to meet the designated use criterion in Table 1, 2 and 3 and at preserving or enhancing the physical and biological integrity of these waters. Water--quality management-regulatory-actions-affecting-high-quality-resource-waters-listed below-will-be-directed-at-water-quality-improvement-commensurate-with-the-exceptional-value-of-the-resource-and-at-preserving-and-enhancing-the-physical-and-biological-integrity-of-these-waters: This involves the protection of such features of the water body as channel alignment, bed characteristics, water velocity, aquatic habitat, and the type, distribution and abundance of existing aquatic species.

ITEM 7. Rescind subrule 61.2(4) and insert the following in lieu thereof:

61.2(4) Regulatory mixing zones. Mixing zones are recognized as being necessary for the initial assimilation of point source discharges which have received the required degree of treatment or control. Mixing zones shall not be used for, or considered as, a substitute for minimum treatment technology required by subrule 61.2(3). The objective of establishing mixing zones is to provide a means of control over the placement and emission of point source discharges so as to minimize environmental impacts. Waters within a mixing zone shall meet the general water quality criteria of subrule 61.3(2). Waters at and beyond mixing zone boundaries shall meet all applicable standards and the chronic criteria of subrule 61.3(3) Table 1 and 3 for that particular water body or segment. A zone of initial dilution may be established within the mixing zone beyond which the applicable standards and the acute criteria of subrule 61.3(3) will be met. For waters designated under subrule 61.3(5), any parameter not included in Table 1, 2 and 3 of subrule 61.3(3), the chronic and acute criterion calculated following subrule 61.2(1), will be met at the mixing zone and zone of initial dilution boundaries respectively.

a. Due to extreme variations in wastewater and receiving water characteristics, spatial dimensions of mixing zones shall be defined on a site-specific basis. These rules are not intended to define each individual mixing zone, but will set maximum limits which will satisfy most biological, chemical, physical and radiological considerations in defining a particular mixing zone. Additional details are noted in the "Supporting Document for Iowa Water Quality Management Plans," Chapter IV for considering unusual site specific features such as side channels and sand bars which may influence a mixing zone. Applications for operation permits under subrule 64.3(1) may be required to provide specific information related to the mixing zone characteristics below their outfall so that mixing zone boundaries can be determined.

b. The dimensions of the mixing zone and the zone of initial dilution will be calculated using a mathematical model presented in the "Supporting Document for Iowa Water Quality Management Plans," Chapter IV or from instream studies

of the mixing characteristics during low flow. In addition, the most restrictive of the following factors will be met:

(1) The stream flow in the mixing zone may not exceed the most restrictive of the following:

1. Twenty-five percent of the seven-day, ten-year low stream flow for interior streams and rivers, and the Big Sioux and Des Moines Rivers.

2. Ten percent of the seven-day, ten-year low stream flow for the Mississippi and Missouri Rivers.

3. The stream flow contained in the mixing zone at the most restrictive of the applicable mixing zone length criteria, noted below.

(2) The length of the mixing zone below the point of discharge shall be set by the most restrictive of the following:

1. The distance to the juncture of two perennial streams.

2. The distance to a public water supply intake.

3. The distance to the upstream limits of an established recreational area, such as public beaches, and state, county and local parks.

4. The distance to the middle of a crossover point in a stream where the main current flows from one bank across to the opposite bank.

5. The distance to another mixing zone.

6. Not to exceed a distance of 2000 feet.

7. The location where the mixing zone contained the percentages of stream flow noted in subrule 61.2(4)"b"(1) above.

(3) The width of the mixing zone is calculated as the portion of the stream containing the allowed mixing zone stream flow. The mixing zone width will be measured perpendicular to the basic direction of stream flow at the downstream boundary of the mixing zone. This measurement will only consider the distance of continuous water surface.

(4) The width and length of the zone of initial dilution may not exceed 10 percent of the width and length of the mixing zone.

c. The stream flow used in determining wasteload allocations to assure compliance with the chronic criteria of Table 1 and 3 will be that value contained at the boundary of the allowed mixing zone. This stream flow may not exceed the following percentages of the seven-day, ten-year low stream flow as measured at the point of discharge:

(1) Twenty-five percent for interior streams and rivers, and the Big Sioux and Des Moines Rivers.

(2) Ten percent for the Mississippi and Missouri Rivers.

The stream flow used in determining effluent limits to assure compliance with the acute criteria of Table 1 and 3 may not exceed 10 percent of the calculated flow associated with the mixing zone.

d. The following exceptions apply to the mixing zone requirements:

(1) No mixing zone or zone of initial dilution will be allowed for waters designated as lakes or wetlands.

(2) No zone of initial dilution will be allowed in waters designated as cold water.

(3) The use of a diffuser device to promote rapid mixing of an effluent in a receiving stream will be considered on a case by case basis with its usage as a means for dischargers to comply with an acute numerical criterion.

(4) A discharger to the Mississippi or Missouri Rivers may provide to the department, for consideration, instream data which technically supports the allowance of an increased percentage of the stream flow contained in the mixing zone due to rapid and complete mixing. Any allowed increase in mixing zone flow would still be governed by the mixing zone length restrictions and the flow restrictions for interior streams.

e. Temperature changes within mixing zones established for heat dissipation will not exceed the temperature criteria in subrule 61.3(3)"b"(5).

f. The appropriateness of establishing a mixing zone where a substance discharged is bioaccumulative, persistent, carcinogenic, mutagenic, or teratogenic will be carefully evaluated. In such cases, effects such as potential groundwater contamination, sediment deposition, fish attraction, bioaccumulation in aquatic life, bioconcentration in the food chain, and known or predicted safe exposure levels shall be considered.

ITEM 8. Amend subrule 61.2(5), introductory paragraph, as follows:

61.2(5) Implementation strategy. Numerical criteria specified in theseThese water quality standards shall be met at all times when the flow of the receiving stream equals or exceeds the average seven-day seven-day, ten-year low flow which occurs once in ten years. Exceptions may be made for intermittent or low flow streams--Where intermittent or low flow streams are classified as for Glass-B-aquatic-life-protection significant resource warm waters or limited resource warm waters. For these waters, the department may waive the seven-day, ten-year low flow requirement and establish a minimum flow in lieu thereof. Such waiver shall be granted only when it has been determined that the aquatic resources of the receiving waters are of no significance at flows less than the established minimum, and that the continued maintenance of the beneficial uses of the receiving waters will be assured. In no event will toxic conditions be allowed to occur in the receiving waters outside of mixing zones established pursuant to subrule 61.2(4). The policy for granting waivers is described in the "Supporting Document for Iowa Water Quality Management Plans" (Iowa Department of Water, Air and Waste Management, Chapter IV, July 1976, as revised on October 16, 1984). (Copies are available upon request to the Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319-0034. Copy also on file with the Iowa Administrative Rules Coordinator.)

All minimum flows established under the provisions of this section will be published annually by the department.

ITEM 9. Amend subrule 61.2(5), paragraph "c," and add new paragraph "d" as follows:

c. Site-specific water quality standards criteria may be allowed in lieu of the water-quality-standards-referenced-in specific numerical criteria listed in Tables 1 and 3 of this chapter if adequate documentation is provided to show that site-specific the proposed criteria will protect all existing or potential uses of the surface water. Site-specific water quality standards criteria may be appropriate where:

(1) The types of organisms differ significantly from those used in setting the statewide standards criteria, or;

(2) The chemical characteristics of the surface water such as pH, temperature, and hardness differ significantly from the characteristics of the water used in setting the statewide standard criteria.

Development of site-specific criteria shall include an evaluation of the chemical and biological characteristics of the water resource and an evaluation of the impact of the discharge. All evaluations for site-specific criteria modification must be coordinated through the department, and be conducted using scientifically accepted procedures approved by the department. Any site-specific criterion developed under the provisions of this subrule is subject to the review and approval of the U.S. Environmental Protection Agency. All criteria approved under the provisions of this subrule will be published periodically by the department. and performed with prior consent

and approval of the department using scientifically accepted procedures. Guidelines for establishing site-specific water quality criteria can be found in "Water Quality Standards Handbook," published by the U.S. Environmental Protection Agency, December 1983.

d. A wastewater treatment facility may submit to the department technically valid instream data which provides additional information to be used in the calculations of their wasteload allocations and effluent limitations. This information would be in association with the low flow characteristics, width length and time of travel associated with the mixing zone or decay rates of various effluent parameters. The wasteload allocation will be calculated considering the applicable data and consistent with the provisions and restrictions in the rules.

ITEM 10. Renumber the existing subrule 61.3(1) as 61.3(2) and add the following language as subrule 61.3(1):

61.3(1) Surface water classification. All waters of the state are classified for protection of beneficial uses. These classified waters include general use segments and designated use segments.

a. General use segments. These are intermittent watercourses and those watercourses which typically flow only for short periods of time following precipitation in the immediate locality or as a result of discharges from wastewater treatment facilities, and whose channels are normally above the water table. These waters do not support a viable aquatic community of significance during low flow, and do not maintain pooled conditions during periods of no flow.

However, during periods when sufficient flow exists in the intermittent watercourses to support various uses, the general use segments are to be protected for livestock and wildlife watering, noncontact recreation, crop irrigation, and industrial, agricultural, domestic and other incidental water withdrawal uses. The aquatic life existing within these watercourses during elevated flows will be protected from acutely toxic conditions.

b. Designated use segments. These are water bodies which maintain flow throughout the year, or contain sufficient pooled areas during intermittent flow periods to maintain a viable aquatic community of significance.

Designated use waters are to be protected for all uses of general use segments in addition to the specific uses assigned. Designated use segments include:

(1) Primary contact recreation (Class "A"). Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

(2) Cold water aquatic life (Class "B(CW)"). Waters in which the temperature, flow, and other habitat characteristics are suitable for the maintenance of a wide variety of cold water species, including nonreproducing populations of trout and associated aquatic communities.

(3) High quality water (Class "HQ"). Waters with exceptionally better quality than the levels specified in Table 1, 2 and 3 and with exceptional recreational and ecological importance. Special protection is warranted to maintain the unusual, unique or outstanding physical, chemical, or biological characteristics which these waters possess.

(4) High quality resource water (Class "HQR"). Waters of substantial recreational or ecological significance which possess unusual, outstanding or unique physical, chemical, or biological characteristics which enhance the beneficial uses and warrant special protection.

(5) Significant resource warm water (Class "B(WW)"). Waters in which temperature, flow and other habitat characteristics are suitable for the maintenance of a wide variety of reproducing populations of warm water fish and associated aquatic communities, including sensitive species.

(6) Limited resource warm water (Class "B(LR)"). Waters in which flow or other physical characteristics limit the ability of the water body to maintain a balanced warm water community. Such waters support only populations composed of species able to survive and reproduce in a wide range of physical and chemical conditions, and are not generally harvested for human consumption.

(7) Lakes and wetlands (Class "B(LW)"). These are artificial and natural impoundments with hydraulic retention times and other physical and chemical characteristics suitable to maintain a balanced community normally associated with lake-like conditions.

(8) Drinking water supply (Class "C"). Waters which are used as a raw water source of potable water supply.

ITEM 11. Amend renumbered subrule 61.3(2), introductory paragraph, and paragraphs "d" and "h," as follows:

61.3(2) General water quality criteria. The following criteria are applicable to all surface waters including ~~those which have been designated as Class "A", "B", or "C"~~ general use and designated use waters, at all places and at all times to protect livestock and wildlife watering, aquatic life, noncontact recreation, crop irrigation, and industrial, domestic, agricultural and other incidental water withdrawal uses not protected by Class A, B, or C criteria in this rule the specific numerical criteria of subrule 61.3(3).

d. Such waters shall be free from substances attributable to wastewater discharges or agricultural practices in concentrations or combinations which are acutely toxic or harmful to human, animal, or plant life.

h. Water which enters a sinkhole or losing stream segment shall not exceed a fecal coliform content of 200 organisms/100ml, except when the waters are materially affected by surface runoff, but in no case shall fecal coliform levels downstream from a an existing discharge which may contain pathogens to humans be more than 200 organisms/100ml higher than the background level upstream from the discharge. No new wastewater discharges will be allowed on watercourses which directly or indirectly enter sinkholes or losing stream segments.

ITEM 12. Rescind subrules 61.3(2) to 61.3(4) and insert the following:

61.3(3) Specific water quality criteria.

a. Class "A" waters. Waters which are designated as Class "A" in subrule 61.3(5) are to be protected for primary contact recreation. The general criteria of subrule 61.3(2) and the following specific criteria apply to all Class "A" waters.

(1) From April 1 through October 31, the fecal coliform content shall not exceed 200 organisms/100 ml, except when the waters are materially affected by surface runoff; but in no case shall fecal coliform levels downstream from a discharge which may contain pathogens to humans be more than 200 organisms/100 ml higher than the background level upstream from the discharge.

(2) The pH shall not be less than 6.5 nor greater than 9.0. The maximum change permitted as a result of a waste discharge shall not exceed 0.5 pH units.

b. Class "B" waters. All waters which are designated as Class B(CW), B(WW), B(LR), or B(LW) are to be protected for wildlife, fish, aquatic and semiaquatic life, and secondary contact water uses. The following criteria shall apply to all Class "B" waters designated in subrule 61.3(5).

(1) Dissolved oxygen. Dissolved oxygen shall not be less than the values shown in Table 2 of this subrule.

(2) pH. The pH shall not be less than 6.5 nor greater than 9.0. The maximum change permitted as a result of a waste discharge shall not exceed 0.5 pH units.

(3) General chemical constituents. The specific numerical criteria shown in Tables 1, 2, and 3 of this subrule apply to all waters designated in subrule 61.3(5). The sole determinant of compliance with these criteria will be established by the department on a case-by-case basis. Effluent monitoring or in-stream monitoring, or both, will be the required approach to determine compliance.

1. The acute criteria represent the level of protection necessary to prevent acute toxicity to aquatic life. In-stream concentrations above the acute criteria will be allowed only within the boundaries of the zone of initial dilution.

2. The chronic criteria represent the level of protection necessary to prevent chronic toxicity to aquatic life. Excursions above the chronic criteria will be allowed only inside of mixing zones or only for short-term periods outside of mixing zones; however, these excursions cannot exceed the acute criteria shown in Tables 1 and 3. The chronic criteria will be met as short-term average conditions at all times the flow equals or exceeds either the seven-day, ten-year flow or any site specific low flow established under the provisions of subrule 61.2(5).

(4) The waters shall contain no substances in concentrations which will make fish or shellfish inedible due to undesirable tastes or cause a hazard to humans after consumption.

(5) Temperature.

1. No heat shall be added to interior streams or the Big Sioux River that would cause an increase of more than 3°C. The rate of temperature change shall not exceed 1°C per hour. In no case shall heat be added in excess of that amount that would raise the stream temperature above 32°C.

2. No heat shall be added to streams designated as cold water fisheries that would cause an increase of more than 2°C. The rate of temperature change shall not exceed 1°C per hour. In no case shall heat be added in excess of that amount that would raise the stream temperature above 20°C.

3. No heat shall be added to lakes and reservoirs that would cause an increase of more than 2°C. The rate of temperature change shall not exceed 1°C per hour. In no case shall heat be added in excess of that amount that would raise the temperature of the lake or reservoirs above 32°C.

4. No heat shall be added to the Missouri River that would cause an increase of more than 3°C. The rate of temperature change shall not exceed 1°C per hour. In no case shall heat be added that would raise the stream temperature above 32°C.

5. No heat shall be added to the Mississippi River that would cause an increase of more than 3°C. The rate of temperature change shall not exceed 1°C per hour. In addition, the water temperature at representative locations in the Mississippi River shall not exceed the maximum limits in the table below during more than 1 percent of the hours in the 12-month period ending with any month. Moreover, at no time shall the water temperature at such locations exceed the maximum limits in the table below by more than 2°C.

Zone II--Iowa-Minnesota state line to the northern Illinois border (Mile Point 1534.6)

Zone III--Northern Illinois border (Mile Point 1534.6) to Iowa-Missouri state line.

Month	Zone II	Zone III
January	4°C	7°C
February	4°C	7°C
March	12°C	14°C
April	18°C	20°C
May	24°C	26°C
June	29°C	29°C
July	29°C	30°C
August	29°C	30°C
September	28°C	29°C
October	23°C	24°C
November	14°C	18°C
December	9°C	11°C

c. Class "C" waters. Waters which are designated as Class "C" are to be protected as a raw water source of potable water supply. The following criteria shall apply to all Class "C" waters designated in subrule 61.3(5).

(1) Radioactive substances.

1. The combined radium-226 and radium-228 shall not exceed 5 picocuries per liter at the point of withdrawal.

2. Gross alpha particle activity (including radium-226 but excluding radon and uranium) shall not exceed 15 picocuries per liter at the point of withdrawal.

3. The average annual concentration at the point of withdrawal of beta particle and photon radioactivity from man-made radionuclides other than tritium and strontium-90 shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.

4. The average annual concentration of tritium shall not exceed 20,000 picocuries per liter at the point of withdrawal; the average annual concentration of strontium-90 shall not exceed 8 picocuries per liter at the point of withdrawal.

(2) All substances toxic or detrimental to humans or detrimental to treatment process shall be limited to nontoxic or nondetrimental concentrations in the surface water.

(3) The pH shall not be less than 6.5 nor greater than 9.0.

**TABLE 1: Criteria For Chemical Constituents**

*(all values as micrograms per liter unless noted otherwise).*

Parameter		Use Designations				
		B(CW)	B(WW)	B(LR)	B(LW)	C
Arsenic (III)	Chronic	200	200	1000	200	--
	Acute	360	360	1800	360	50
Barium	Acute	--	--	--	--	1000
Benzene	Acute	--	--	--	--	5
Cadmium	Chronic	1	15	25	1	--
	Acute	4	75	100	4	10

Carbon Tetra- chloride	Acute	--	--	--	--	5
Chloride	Acute	--	--	--	--	250*
Chlordane	Chronic	.004	.004	.15	.004	--
	Acute	2.5	2.5	2.5	2.5	--
Chromium (VI)	Chronic	40	40	200	10	--
	Acute	60	60	300	15	50
Copper	Chronic	20	35	55	10	--
	Acute	30	60	90	20	1000
Cyanide	Chronic	5	10	10	10	--
	Acute	20	45	45	45	20
para-Dichloro- benzene	Acute	--	--	--	--	75
1,2-Dichloro- ethane	Acute	--	--	--	--	5
1,1-Dichloro- ethylene	Acute	--	--	--	--	7
Fluoride	Acute	--	--	--	--	2000
Lead	Chronic	3	30	80	3	--
	Acute	80	200	750	80	50
Mercury (II)	Chronic	.05	.05	.25	.05	--
	Acute	6.5	6.5	10	2.5	2
Nitrate as NO3	Acute	--	--	--	--	45*
Nickel	Chronic	350	650	750	150	--
	Acute	3250	5800	7000	1400	--
Polychlorinated Biphenyls (PCBs)	Chronic	.014	.014	1	.014	--
	Acute	2	2	2	2	--
Polynuclear Aromatic Hydro- Carbons (PAHs)**	Chronic	.03	.03	3	.03	--
	Acute	30	30	30	30	--
Phenols	Chronic	50	50	50	50	--
	Acute	1000	2500	2500	1000	50
Selenium (VI)	Chronic	10	125	125	70	--
	Acute	15	175	175	100	10
Silver	Chronic	2.5	8.5	8.5	.35	--
	Acute	30	100	100	4	50

Toluene	Chronic	50	50	150	50	--
	Acute	2500	2500	7500	2500	--
Total Residual Chlorine (TRC)	Chronic	10	20	25	10	--
	Acute	35	35	40	20	--
1,1,1-Trichloroethane	Acute	--	--	--	--	200
Trichloroethylene (TCE)	Chronic	80	80	80	80	--
	Acute	4000	4000	4000	4000	5
Vinyl Chloride	Acute	--	--	--	--	2
Zinc	Chronic	200	450	2000	100	--
	Acute	220	500	2200	110	1000

\*expressed as milligrams/liter

\*\*to include the sum of known and suspected carcinogenic PAHs

**TABLE 2: Criteria For Dissolved Oxygen**  
(all values expressed in milligrams per liter as N)

	B(CW)	B(WW)	B(LR)	B(LW)
Minimum value for at least 16 hours of every 24-hour period	7.0	5.0	5.0	5.0**
Minimum value at any time during every 24-hour period	5.0	5.0	4.0	5.0**

\*applies only to the upper layer of stratification in lakes

**TABLE 3a: Criteria For Ammonia Nitrogen -- Cold Water Streams**  
(all values expressed in milligrams per liter as Nitrogen)

Temp. °C		pH											
		6.5	7.0	7.2	7.4	7.6	7.8	8.0	8.2	8.4	8.6	8.8	9.0
1.0	Acute	28.5	22.9	19.7	16.0	12.4	9.2	6.5	4.1	2.6	1.7	1.0	.7
	Chronic	5.7	4.6	3.9	3.2	2.5	1.8	1.3	0.8	0.5	0.3	.2	.1
5.0	Acute	27.0	21.7	18.7	15.2	11.8	8.7	6.2	3.9	2.5	1.6	1.0	.7
	Chronic	5.4	4.3	3.7	3.0	2.4	1.7	1.2	0.8	0.5	.3	.2	.1
10.0	Acute	25.6	20.6	17.7	14.5	11.2	8.3	5.9	3.8	2.4	1.6	1.0	.7
	Chronic	5.1	4.1	3.5	2.9	2.2	1.7	1.2	0.8	0.5	.3	.2	.1
15.0	Acute	24.6	19.8	17.0	13.9	10.8	8.0	5.7	3.7	2.4	1.5	1.0	.7
	Chronic	4.9	4.0	3.4	2.8	2.2	1.6	1.1	0.7	0.5	.3	.2	.1

20.0	Acute	24.0	19.3	16.6	13.6	10.6	7.9	5.6	3.6	2.4	1.5	1.0	.7
	Chronic	4.8	3.9	3.3	2.7	2.1	1.6	1.1	0.7	0.5	.3	.2	.1
25.0	Acute	16.7	13.5	11.6	9.5	7.4	5.5	4.0	2.6	1.7	1.2	.8	.6
	Chronic	3.3	2.7	2.3	1.9	1.5	1.1	0.8	0.5	0.3	.2	.2	.1
30.0	Acute	11.8	9.6	8.2	6.8	5.3	4.0	2.9	1.9	1.3	.9	.6	.5
	Chronic	2.4	1.9	1.6	1.4	1.1	0.8	0.6	0.4	0.3	.2	.1	.1

TABLE 3b: Criteria For Ammonia Nitrogen -- Warm Water Streams and Lakes  
(all values expressed in milligrams per liter as Nitrogen)

Temp. °C	pH												
	6.5	7.0	7.2	7.4	7.6	7.8	8.0	8.2	8.4	8.6	8.8	9.0	
1.0	Acute	49.0	39.5	33.8	27.6	21.4	15.8	11.2	7.1	4.5	2.9	1.8	1.2
	Chronic	9.8	7.9	6.8	5.5	4.3	3.2	2.2	1.4	0.9	0.6	.4	.2
5.0	Acute	46.4	37.4	32.1	26.2	20.3	15.0	10.6	6.8	4.3	2.8	1.8	1.2
	Chronic	9.3	7.5	6.4	5.2	4.1	3.0	2.1	1.4	0.9	.6	.4	.2
10.0	Acute	44.0	35.5	30.5	24.9	19.3	14.3	10.1	6.5	4.1	2.7	1.8	1.2
	Chronic	8.8	7.1	6.1	5.0	3.9	2.9	2.0	1.3	0.8	.5	.4	.2
15.0	Acute	42.3	34.1	29.3	24.0	18.6	13.8	9.8	6.3	4.1	2.7	1.8	1.2
	Chronic	8.5	6.8	5.9	4.8	3.7	2.8	2.0	1.3	0.8	.5	.4	.2
20.0	Acute	41.2	33.3	28.6	23.4	18.2	13.5	9.7	6.2	4.1	2.7	1.8	1.2
	Chronic	8.2	6.7	5.7	4.7	3.6	2.7	1.9	1.2	0.8	.5	.4	.2
25.0	Acute	40.7	32.9	28.3	23.2	18.1	13.5	9.7	6.3	4.2	2.7	1.8	1.2
	Chronic	8.1	6.6	5.7	4.6	3.6	2.7	1.9	1.3	0.8	.5	.4	.2
30.0	Acute	20.4	16.5	14.2	11.7	9.1	6.8	5.0	3.3	2.2	1.5	1.1	.8
	Chronic	4.1	3.3	2.8	2.3	1.8	1.4	1.0	0.7	0.4	.3	.2	.2

TABLE 3c: Criteria For Ammonia Nitrogen -- Limited Resource Streams  
(all values expressed in milligrams per liter as Nitrogen)

Temp. °C	pH												
	6.5	7.0	7.2	7.4	7.6	7.8	8.0	8.2	8.4	8.6	8.8	9.0	
1.0	Acute	71.5	57.6	49.4	40.3	31.2	23.0	16.3	10.3	6.6	4.2	2.6	1.7
	Chronic	14.3	11.5	9.9	8.1	6.2	4.6	3.3	2.1	1.3	0.8	.5	.3
5.0	Acute	67.8	54.6	46.8	38.2	29.6	21.9	15.5	9.9	6.3	4.0	2.6	1.7
	Chronic	13.6	10.9	9.4	7.6	5.9	4.4	3.1	2.0	1.3	.8	.5	.3
10.0	Acute	64.2	51.8	44.4	36.3	28.2	20.8	14.8	9.4	6.1	3.9	2.6	1.7
	Chronic	12.8	10.4	8.9	7.3	5.6	4.2	3.0	1.9	1.2	.8	.5	.3

15.0	Acute	61.8	49.8	42.8	35.0	27.2	20.1	14.3	9.2	5.9	3.9	2.6	1.8
	Chronic	12.4	10.0	8.6	7.0	5.4	4.0	2.9	1.8	1.2	.8	.5	.4
20.0	Acute	60.2	48.6	41.7	34.2	26.6	19.7	14.1	9.1	6.0	4.0	2.7	1.9
	Chronic	12.0	9.7	8.3	6.8	5.3	3.9	2.8	1.8	1.2	.8	.5	.4
25.0	Acute	59.4	48.0	41.3	33.8	26.4	19.7	14.2	9.2	6.1	4.0	2.7	1.9
	Chronic	11.9	9.6	8.3	6.8	5.3	3.9	2.8	1.8	1.2	.8	.5	.4
30.0	Acute	29.7	24.1	20.7	17.0	13.3	10.0	7.2	4.8	3.2	2.2	1.6	1.2
	Chronic	5.9	4.8	4.1	3.4	2.7	2.0	1.4	1.0	0.6	.4	.3	.2

ITEM 13. Amend subrule 62.8(2), third sentence, as follows:

Any such effluent limitation shall be determined using a statistically based portion of the calculated on-the-basis-of-a wasteload allocation, as described in "Supporting Document for Iowa Water Quality Management Plans" (Iowa Department of Water, Air and Waste Management, July 1976, Chapter IV, as revised on October-16,-1984 December \_\_\_\_, 1989).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

(A:EP60-61A.MIN/319-89)

IOWA DEPARTMENT OF NATURAL RESOURCES  
Legal Services Bureau

DATE: January 2, 1990  
TO: Environmental Protection Commission  
FROM: Mike Murphy *MM*  
SUBJECT: Adoption of Water Quality Standards

You have asked to be briefed on the issue of whether these proposed rules need to be republished as proposed rules, with opportunity for further public comment, before final rules can be adopted. Rule amendments on this subject were proposed in September, 1988. Six (6) hearings were held and substantial public comment taken. Action on that proposal was terminated in April, 1989, after EPA objected to the proposal that was being taken to the Commission for final adoption at that time. A new proposal was published in July, 1989, and six (6) more hearings were held and substantial public comment taken. The proposed revisions to existing rules on this subject included: new or amended definitions; updated reference to an additional EPA reference document; deletion of a list of high quality waters, and extension of protection for such waters in more general terms; modifications to the surface water classification system; clarification of the mixing zone concept; revisions to the implementation strategy; addition of 14 toxic compounds and numerical water quality criteria for those pollutants; modifications to the ammonia nitrogen water quality standards; and modifications to the waste load allocation calculation procedure. The department has considered the public comments and recommended adoption of final rules by the Commission. The Commission has tentatively decided to adopt the proposed rules, as revised after public comment, except for the proposed changes regarding ammonia nitrogen. While the ammonia nitrogen issue was a major area of controversy, it was only one of many areas of proposed change that went out on public notice. It should be noted that, with respect to the ammonia nitrogen water quality standards themselves, the action of the Commission would in effect be to maintain the rules already in existence. The question the Commission has is whether it can adopt only a portion of the proposed changes without going back through the public notice process.

This issue has been considered by higher authority. On February 6, 1980, the Administrative Rules Review Committee published the attached guidance. The guidance recognizes that there often will be changes from proposed rules when final rules are adopted. If no changes were made, the public participation process would be meaningless, and if the agency had to go back to public notice with any change from the published proposal, the rulemaking process would potentially never end. The agencies have broad discretion in these matters. The main question is whether the

public had an adequate opportunity to participate in the process, or whether the public or a segment of the public would be unduly surprised and impacted by the change from the proposed rule. "As long as the scope of the potential agency action, as contained in the proposed rule, is not exceeded by the adopted rule, no further public comment should be necessary." (emphasis added) Using this guidance, I think it is clear that no further public participation procedures are necessary in this case.

In 1983, the Iowa Supreme Court considered this question in the case of Iowa Citizen/Labor Energy Coalition, Inc. (ICLEC) v. Iowa State Commerce Commission, 335 N.W.2d 178. Pertinent portions of that decision are also attached. The opinion of the Court supports the concept that even substantial changes from a proposed rule can be made in final adoption, without going through public comment again. Although the case does not involve an agency decision to NOT adopt a portion of a rule initially proposed, I think the reasoning would be the same. Obviously the public, pro and con, had a full opportunity to participate in this rulemaking process. There were substantial objections to this portion of the rule and the Commission decided to modify the proposal in response to those comments. The final rule will not include matters that are beyond the scope of the proposed rules. With respect to the ammonia nitrogen water quality standards themselves, which is the area of concern, the status quo is maintained - you are merely deciding not to make a change that was proposed to be made.

MM:ps

## ATTENTION ALL AGENCIES

As more people attend and participate in the review meetings, the Administrative Rules Review Committee is increasingly concerned that the issues involved in a proposed rule be fully and fairly aired before the rule is adopted in final form.

When a proposed rule is drastically altered before it is adopted often the issues involved will be drastically altered as well. Thus, when an adopted rule differs substantially from a proposed rule, the public's right to participate in the rulemaking process can be seriously eroded since the provisions actually implemented have not been subject to prior public scrutiny. Obviously, agencies must have broad discretion to modify and adopt a proposed rule without further public comment. As long as the scope of potential agency action, as contained in the proposed rule, is not exceeded by the adopted rule, no further public comment should be necessary.

To determine the scope of potential agency action, Professor Arthur Bonfield offers three measuring sticks:

First, the extent to which an individual concerned with the adopted rule should have understood that the proposed rule could have affected their interests;

Second, the extent to which the subject matter or issues involved in the adopted rule differ from the subject matter or issues of the proposed rule; and

Third, is the extent to which the effects of the adopted rule differ from the effects that would have occurred if the proposed rule had been adopted.

The sufficiency of notice will always remain a subjective and varying concept, depending on the magnitude of the issues involved and the controversy generated by the proposal.

The committee will, in the future, listen with some sympathy to individuals who complain they were denied an opportunity to comment on the contents of a rule prior to its adoption.

Representative Laverne Schroeder  
Chairman  
Administrative Rules Review Committee

Considered by UHLENHOPP, P.J., and HARRIS, McCORMICK, LARSON and CARTER, JJ.

McCORMICK, Justice.

This appeal involves judicial review challenges to rules adopted by respondent Iowa State Commerce Commission governing disconnection of gas and electric utility service. The rulemaking proceeding was initiated in response to a petition filed by petitioner Iowa Citizen/Labor Energy Coalition, Inc. (ICLEC). Petitioner contends the commission made two procedural errors and two errors of substance in formulating the rules. The district court affirmed the commission, and we affirm the district court.

One procedural question concerns the adequacy of the commission's notice of its intended rulemaking. The other concerns the sufficiency of the commission's consideration of relevant factors. The questions relating to the substance of the rules involve due process attacks on the adequacy of notice prior to disconnections that are postponed because of low temperatures and the adequacy of notice to tenants of impending shutoffs caused by landlord payment defaults. We treat the due process questions together.

I. *Notice of intended action.* ICLEC petitioned the commission for revision of its rules governing utility disconnections in cold weather pursuant to Iowa Code section 17A.7 (1981) ("An interested person may petition an agency requesting the promulgation, amendment or repeal of a rule."). The commission decided to initiate rulemaking proceedings. In accordance with section 17A.4, it gave notice of its intended action. After one public hearing, the commission enlarged the scope of the proceeding and gave a new notice of intended action. The rules challenged here were adopted after the second hearing. ICLEC contends the notices were deficient under section 17A.4(1)(a).

Section 17A.4(1)(a) provides in part:

Prior to the adoption, amendment, or repeal of any rule an agency shall: a. Give notice of its intended action.... The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon.

In its first notice, the commission said it intended to consider proposed rule changes concerning procedures for reconnecting gas and electric service "when temperatures are forecast to go below 20° Fahrenheit, and the establishment of guidelines for utility use of Service Limiter Adapters." In its second notice, the commission said it had revised the proposed rule changes by substituting an "ability to pay standard" for the temperature standard. Several pages of specific proposed rule amendments were attached to the notice.

ICLEC asserts the notices were narrowly circumscribed while the resulting rule changes were broad. Moreover, it argues the second notice did not broaden the scope of the first because none of the proposed rules accompanying the second notice were adopted. ICLEC identifies three provisions of the rule changes finally adopted by the commission that it contends exceeded the scope of the notices. The changes provide protection against disconnections for customers who enter payment plans, a procedure for challenging payment plans, and a time limit on applications for energy assistance. The commission argues that the changes were within the nature and scope of the proceedings covered by the two notices. We agree with the commission that both notices are important in resolving the issue of adequacy of notice.

The rulemaking process was initiated in response to a request by ICLEC for rule changes to provide for reconnection of disconnected utility services during low temperature periods. Comments in the first hearing persuaded the commission to shift its focus from a temperature standard for shutoff procedures to an ability to pay standard. The proposed rule changes accompanying the second notice reflected this shift in focus. The changes adopted after the second hearing incorporated features of both standards.

The three rule changes the ICLEC contends exceeded the scope of the notice are examples of the accommodation between the two approaches. Customers in financial difficulty can enter payment agreements and avoid disconnections altogether. This provision implements the ability to pay standard. Customers who default on payment agreements or regular bills are still protected by a temperature standard. If a dispute arises between the customer and utility about the reasonableness of a payment plan, the customer has ten days to

complain to the commission. This provision implements the ability to pay standard by providing recourse to customers otherwise at the mercy of a utility's superior bargaining position. The second notice included a proposed rule protecting against disconnection while the customer applied for energy assistance. The final version of this rule merely added a time limit during which the customer must make the application for energy assistance.

[1] We have not previously interpreted section 17A.4(1)(a). It is similar, however, to the rulemaking notice provisions in the federal administrative procedure act. See 5 U.S.C. § 553(b)(3) (1976). We find federal decisions are persuasive in interpreting our statute. Under those decisions, the adequacy of notice is decided on a functional basis. A notice must be sufficiently informative to assure interested persons an opportunity to participate intelligently in the rulemaking process. An agency has a duty to submit rules to additional comment only when the prior notice does not meet that standard. See *Wagner Electric Corp. v. Volpe*, 466 F.2d 1013, 1019-20 (3d Cir.1972); Bonfield, *The Iowa Administrative Procedure Act: Background, Construction, Applicability, Public Access to Agency Law, The Rule-making Process*, 60 Iowa L.Rev. 731, 851 (1975).

\* [2] An additional hearing is not required, however, merely because final rules differ from proposed rules:

The procedural rules were meant to ensure meaningful public participation in agency proceedings, not to be a strait-jacket for agencies. An agency's promulgation of proposed rules is not a guarantee that those rules will be changed only in the ways the targets of the rules suggest. "The requirement of submission of a proposed rule for comment does not automatically generate a new opportunity for comment merely because the rule promulgated by the agency differs from the rule it proposed, partly at least in response to submissions." [citations omitted] Even substantial changes in the original plan may be made so long as they are "in character with the original scheme" and "a logical outgrowth" of the notice and comment already given. [citation omitted]

The essential inquiry is whether the commenters have had a fair opportunity to present their views on the contents of the final plan.

*BASF Wyandotte Corp. v. Costle*, 598 F.2d 637, 642 (1st Cir.1979), cert. denied, 444 U.S. 1096, 100 S.Ct. 1063, 62 L.Ed.2d 784 (1980).

[3] In the present case, the rule changes that were adopted by the commission were in character with the proposals covered by the two notices, and they were a logical outgrowth of the prior notices and public hearings. The commission did not violate section 17A.4(1)(a) by failing to give an additional notice and provide a new opportunity for comment.

II. *Consideration of relevant factors.* ICLEC accuses the commission of violating a requirement of section 17A.4(1)(b) that the "agency shall consider fully all written and oral submissions respecting the proposed rule." In its order adopting the rule changes, the commission summarized the rulemaking proceeding and outlined the reasoning process through which it reached its decision. It did not, however, expressly respond to every argument presented in the public hearings. ICLEC contends this constitutes a violation of the statute and shows the commission decision was arbitrary, capricious and an abuse of discretion. See § 17A.19(8).

[4] The problem with ICLEC's contention is that it equates a failure to address specific arguments in the decision with a failure to consider them. This focus is too narrow. In determining whether an agency violated its duty to consider all relevant factors in arriving at its decision, the entire record before the agency must be examined. See *National Pork Producers Council v. Bergland*, 631 F.2d 1353, 1359 (8th Cir.1980), cert. denied, 450 U.S. 912, 101 S.Ct. 1350, 67 L.Ed.2d 335 (1981).

[5] The fact that the commission did not recite ICLEC's arguments does not prove it failed to consider them. ICLEC alleges, for example, that the commission did not consider evidence that the existing temperature standard was inadequate to protect persons from hypothermia. The record shows, however, the issue of health hazards was fully explored in the commission hearing and decision. Health hazards were identified as an issue in the commission's summary of proceedings: "Members of the public indicated people on fixed incomes have had difficulty meeting the increased cost of utility services and must sometimes choose between 'freezing or starving.' Disconnection for failing to make a payment during cold weather is inhumane, they argue." The final rules include protections against health hazards, although not of the nature or scope advocated by ICLEC.



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
726 MINNESOTA AVENUE  
KANSAS CITY, KANSAS 66101

JAN 5 1990

OFFICE OF  
THE REGIONAL ADMINISTRATOR

Allan E. Stokes, Administrator  
Environmental Protection Division  
Iowa Department of Natural Resources  
Henry A. Wallace Building  
900 East Grand  
Des Moines, Iowa 50319

Dear Mr. Stokes:

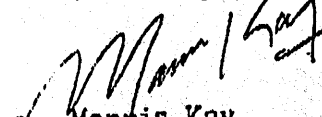
We have reviewed the alternative proposal for Iowa water quality standards for ammonia contained in your letter of December 26, 1989. This latest proposal does not provide an acceptable basis for ammonia criteria, since it does not represent critical conditions, nor does it protect aquatic life for the wide range of temperature and pH conditions that exist within the state.

Our December 22, 1989, letter contained our position on acceptable ammonia criteria, mixing zones, and permit derivation procedures, and we reaffirm those positions via this letter.

The criteria proposed to the Environmental Protection Commission on December 11, 1989, are based upon national EPA criteria modified for species found in Iowa. Also, a previous study has shown that Iowa species in Iowa stream water exhibit the same degree of toxicity to ammonia as they do in laboratory test water. (JRB Associates, 1983 - as reported in EPA Water Quality Standards Handbook, Page C-21-30, 1983, copy of summary of study enclosed).

We again encourage you to complete the standards adoption process as quickly as possible. If you have additional questions or need further information, please contact Larry B. Ferguson at (913) 236-2817.

Sincerely yours,

  
Morris Kay  
Regional Administrator

Enclosure

STATE OF IOWA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SITE-SPECIFIC CRITERIA MODIFICATION

Iowa River  
Marshalltown, Iowa

I. INTRODUCTION

A. Site Description

The Iowa River is a typical slow moving midwestern stream located in central Iowa (Figure 1). It meanders in an easterly direction through the northern part of Marshalltown, Iowa. The stream channel ranges from 30 - 40 m in width and stream velocity ranges from 0.1 - 0.75 m/sec.

The substrate in the Iowa River consists of shifting sand with small patches of gravel. Adjacent land use consists of agricultural development. Riparian vegetation offers considerable cover to much of the stream reach.

The Marshalltown POTW is an activated sludge plant which discharges its treated effluent to the Iowa River. The POTW is the only major point source discharge to the Iowa River in the vicinity of Marshalltown. The influent to the plant is a mixture of domestic, pretreated industrial, and untreated municipal wastewater. The average discharge from the POTW is 0.25 m<sup>3</sup>/sec. (7.5 cfs) and remains fairly constant 24 hours per day, 7 days per week. Ammonia is a constituent routinely identified in the effluent and is of particular concern in this study.

B. Problem Definition

The Marshalltown POTW currently exceeds the state ammonia standard (2.0 mg/l total ammonia-summer 5.0 mg/l total ammonia-winter) and EPA national criterion for unionized ammonia under certain environmental conditions (low flow, high temperatures). It has been estimated that the number and severity of the violations will increase as the city grows. The Marshalltown POTW is thus one of a number of Iowa wastewater plants that has been identified for the installation of advanced treatment facilities for ammonia removal. Currently, the State of Iowa is evaluating its ammonia standard to determine if it is adequate or overly stringent for the protection of aquatic life. As a result, state and EPA water quality officials decided to apply site-specific criteria modification procedures to the Iowa River to evaluate seasonal influences and the effect of site water quality on the toxicity of ammonia as well as the applicability of the national ambient water quality criteria for ammonia on the Iowa River.

C. Approach to Criteria Modification

The decision to use a site-specific criteria modification procedure is usually made after analyzing (1) data obtained from a water body survey and assessment conducted in conjunction with a use attainability analysis (USEPA 1982), or (2) data available to state or local water quality management officials. In this study on the Iowa River, complete biological surveys and water chemistry analyses were conducted in conjunction with field bioassay experiments.

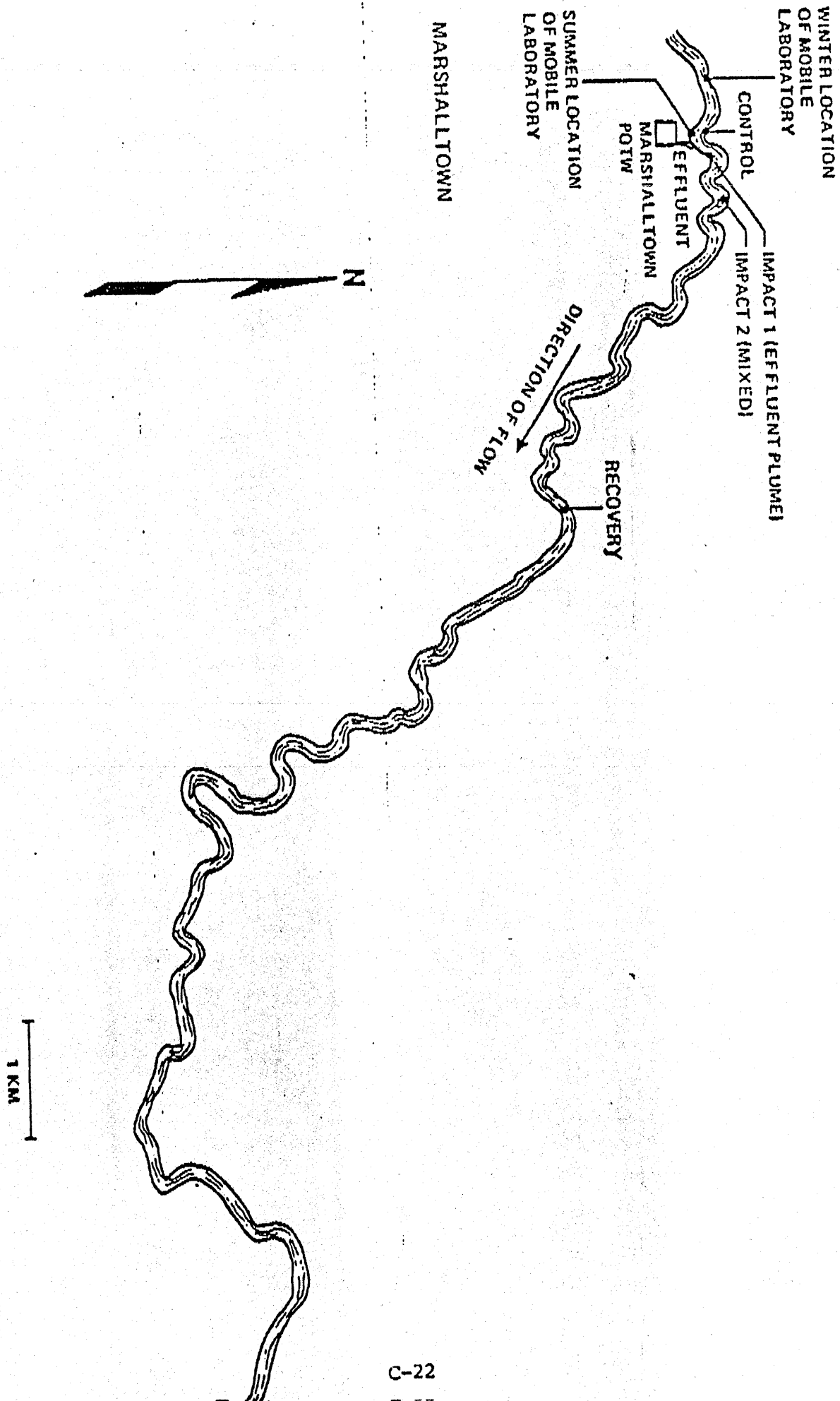


FIGURE 1. IOWA RIVER STUDY SITE. (JRB Associates 1983)

The indicator species approach was chosen for this study. This procedure accounts for differences in bioavailability of a compound in different waters. Therefore, the effective toxicity of a chemical as a function of site water quality parameters (e.g., pH, hardness, alkalinity, presence of other contaminants, etc) is examined. The approach requires testing of a sensitive invertebrate and fish in both site water and reconstituted laboratory dilution water.

Acute toxicity tests were conducted during the winter portion of this study with the channel catfish (Ictalurus punctatus). Channel catfish were exposed to ammonia in site water taken from the Iowa River (this test was conducted by the field crew and repeated by state personnel), and in a 3:1 mixture of river water to nonchlorinated effluent. The purpose of the 3:1 mixture was to simulate the instream conditions at low flow. Acute toxicity tests were conducted during the late summer with channel catfish, (Ictalurus punctatus) bluegills (Lepomis macrochirus) and a mayfly (Stenonema term-inatum). These organisms were exposed to ammonia in Iowa River water, a laboratory prepared reference water, 3:1 mixture of river water to nonchlorinated effluent and a 3:1 mixture of river water to chlorinated effluent. The difference in measured toxicity with laboratory water and site water is expressed as a water effect ratio. This ratio can be used to modify the national ambient water quality criteria document Final Acute Value and to obtain a Site-Specific Final Acute Value for ammonia in the Iowa River.

## II. ANALYSIS CONDUCTED

### A. Analysis of Water Chemistry

Based on an inspection of the study area, the river was divided into a control, two impact zones and a recovery zone. Sampling stations were identified in each of the zones. The Control Zone Station (Station 1) was located approximately 50 meters upstream from the confluence with the POTW outfall. The first Impact Zone Station (Station 2) was located in the effluent plume approximately 50 meters downstream from the outfall. The second Impact Zone Station (Station 3) was located approximately 800 meters downstream from the confluence of the POTW discharge with the river and immediately downstream from the area of complete mixing. The Recovery Zone Station (Station 4) was located approximately 3.2 kilometers downstream from the discharge.

Due to the freezing temperatures and icy conditions only a limited chemical survey was conducted as part of the winter study. A series of grab samples were taken above and below the POTW discharge in order to characterize the POTW plume. Samples were analyzed for total ammonia, nitrates, nitrites, Kjeldahl nitrogen, and filterable and nonfilterable residues.

During the later summer phase, field samples were collected at each station and analyzed for nitrite, ammonia, Kjeldahl nitrogen, total and filterable residue, biochemical and chemical oxygen demand, cyanide, and total and dissolved organic carbon. Depth, velocity, temperature, specific conductance, dissolved oxygen and pH were also measured at each station.

Grab samples were taken to measure variations in ammonia concentrations instream and in the POTW effluent. Samples were collected weekly from August 19 - October 13, 1982 while the periphyton and macroinvertebrate samplers were allowed to colonize.

### B. Analysis of Biota

Fish, periphyton, and invertebrates were sampled as part of the biological survey. No attempts to collect organisms were made during the winter. Due to the shifting sand substrate in the Iowa River, artificial substrates were used to sample the invertebrate populations. Ten modified Hester-Dandy Multiplate Samplers were placed at sampling Stations 1 - 4 and allowed to incubate for five weeks. During this period of time the POTW was not chlorinating its effluent. After five weeks one-half of the substrates were removed and these substrates represent nonchlorinated effluent samples. The remaining substrates were allowed to incubate for an additional 19 days during which time the POTW resumed chlorination. These substrates represent the chlorinated samples.

The organisms collected were preserved and returned to the laboratory for identification. All organisms were identified to the lowest possible taxon. Because of the shifting sand substrate and flow variations, several substrates became partially or totally buried in the sand, limiting the habitat available for colonization. Unfortunately many of these buried samplers were in the Control Zone. As a result, the comparison of diversity and equitability between zones was more meaningful than a comparison of total numbers.

Artificial substrates were also placed in the Iowa River to sample the periphyton community. The samplers consisted of six, glass microscope slides secured in a plastic frame. The substrates were suspended from floats at a uniform depth at each sampling station. The substrates were left in the stream for a period of 17 days during which time the POTW was not chlorinating its effluent. When chlorination resumed fresh substrates were placed in the river as in the nonchlorinated phase. Samples were preserved in Lugol's solution and analyzed according to Weber (1973). All algal types present were counted, but only diatoms were identified to species. Slides were also analyzed for chlorophyll content and ash free dry weight. Shannon-Weaver diversity indices and equitability values for the nonchlorinated and chlorinated portions of the study were calculated.

Fish collections were conducted by the Iowa Conservation Commission. The fish were collected using a 230 volt boatmounted electroshocker and a thirty foot (1/4 inch mesh) minnow seine. Three individual runs of approximately 100 meters were taken with the electroshocker and one pull with the seine was taken in each sampling zone. All fish were counted and identified to the species level.

### C. Toxicity Testing

Winter bioassays were conducted with the channel catfish while late summer tests were conducted with channel catfish, bluegills, and mayflies. Juvenile catfish were obtained from the Lake Rathbun Fish Hatchery Rathbun, Iowa. Bluegills each weighing 0.5 - 2 gm were obtained from the Fairport Fish

Hatchery. Mayflies were collected from the Iowa River approximately 12 km downstream from Marshalltown.

Ninety-six hour flow-through tests were conducted with the fish and the mayflies in site water from the Control Zone and in a 3:1 mixture of river water to effluent water (nonchlorinated and chlorinated effluent). Ammonia concentrations were measured every 12 hours for the duration of the test. Temperature, pH, and dissolved oxygen concentrations were measured in conjunction with each ammonia analysis.

Ninety-six hour static renewal tests were conducted with the fish and the mayflies in a laboratory reference water. Test solutions were renewed every 12 hours due to the volatility of ammonia. Ammonia, temperature, pH, and dissolved oxygen concentrations were measured at the beginning and end of the 12-hour volume replacement period. Throughout the tests, ammonia concentrations never fell below 80 percent of initial concentrations.

Field analysis of ammonia concentrations in the test chambers was conducted using an Orion Specific Ion Electrode. A new standard curve was prepared prior to each analysis. In addition, split lab and field samples were collected in triplicate at 0 hours, 48 hours and 96 hours during the tests and analyzed by the University of Iowa Hygienic Laboratory. Ammonia concentrations were measured within 24 hours after the laboratory received the samples.

### III. FINDINGS

#### A. Water Chemistry

Results of the physical and chemical measurements indicate that the study reach was characterized by generally uniform habitat and moderate riparian canopy. Stream velocity averaged 0.75 m/sec at all stations and depth averaged 60 cm. The stream substrate was dominated by unstable sandy conditions.

Analyses of water quality (grab samples) indicate that most chemical parameters were stable and within normal expected ranges throughout the study reach. Dissolved oxygen concentrations remained at or above saturation although there was a significant increase in biological oxygen demand downstream from the POTW when the effluent was bypassed following primary clarification. The stream was generally turbid however. When bypassing occurred, nonfilterable solids increased. Except for ammonia, all toxics were below detection limits or below their respective water quality criteria values.

Winter grab samples taken in the vicinity of the discharge plume indicate that ammonia concentrations rapidly attenuate within the effluent plume. By the time complete mixing of effluent and river water had occurred, all measured nitrogen compounds had fallen to near Control Zone concentrations.

Analysis of weekly grab samples revealed that unionized ammonia concentrations were occasionally in excess of 0.2 mg/l in the effluent plume. At the point of complete mixing concentrations were generally below 0.02 mg/l.

## B. Biota

Analysis of the invertebrate samples from nonchlorinated and chlorinated study phases indicated that Impact and Recovery zones could be defined, but too few samples were recovered to quantify the Control Zone. Total number of organisms did not differ significantly in either of the Impact or Recovery Zones, but diversity and equitability values were lower at Impact 1 (nonchlorinated and chlorinated).

Mayfly percent relative abundance (PRA) demonstrated a difference between nonchlorinated and chlorinated conditions. The PRA in Impact 1, Impact 2, and the Recovery Zone decreased dramatically from the nonchlorinated to the chlorinated samples. This is thought to be an avoidance reaction to residual chlorine, but cannot be confirmed since residual chlorine was not measured.

Periphyton diversity and equitability values for nonchlorinated and chlorinated samples do not decline in the Impact Zones. However in both sets of samples a shift in species dominance can be observed in the Impact Zones. In the nonchlorinated study, Gomphonema olivaceum was the dominant species in the Control, Impact Zone 2, and Recovery zones. This species is characteristic of sites that have experienced inorganic nutrient enrichment. However, it normally occurs where biodegradation is complete. In the Impact Zone 1, an area of high biodegradation, G. olivaceum numbers are sharply reduced. Nitzschia palea, a good indicator of organic pollution and Cyclotella striata, which is stimulated by slight increases in salts, are the dominant taxa at this station (USEPA 1974).

In the chlorination study the diatom Nitzschia dissipata is the dominant diatom in the Control Zone. This species is common to water with high dissolved oxygen (USEPA 1974). This species is not as common in the Impact and Recovery Zones. The dominant species at the Impact 1 Station (Nitzschia palea) is common to zones of organic degradation and low dissolved oxygen (USEPA 1974).

Analysis of chlorophyll concentrations, ash free dry weight and autotrophic indices indicate that the Iowa River is affected by organic enrichment throughout the study reach especially at the Impact 1 Station. The acidification ratios (chlorophyll a to pheophytin a) in the nonchlorinated and chlorinated studies were the lowest at the Impact 1 Station. Ash free dry weights were highest at the Impact 1 Station. The autotrophic index at all stations in both studies was greater than 100 which is indicative of an area affected by organic pollution (Weber 1973).

Fish collected in the Control Zone were diverse in number of species as well as trophic position in the community. There were a relatively high proportion of carnivores (i.e., centrarchids and ictalurids) and planktivores (i.e., clupeides). At Impact 1 the number of planktivores and carnivores is as reduced from Control populations. The reduction or absence of carnivores in the fish community is an indication of a system degraded by poor habitat or water quality (Karr 1982). The failure of these organisms to also successfully inhabit Impact 2 and the Recovery Zone suggests chronic water quality degradation or a general shift in the habitat or trophic structure of the Iowa River.

### C. Toxicity Testing

LC50 values and 95 percent confidence intervals were estimated by the binomial, probit, and moving average methods. Mean ammonia concentrations, based on all field measurements taken during each test were used in the LC50 calculations. Determination of unionized ammonia concentrations were based on the average temperature and pH measured during each test.

Winter total ammonia LC50 values and 95 percent confidence intervals (binomial method mg/l) for catfish were 40.99 (38.8 - 47.6), 41.3 (36.1 - 45.1), and 43.0 (37.0 - 72.1) for Site Water Test 1, Site Water Test 2, and 3:1 river water to nonchlorinated effluent tests respectively. Winter unionized ammonia LC50 values and 95 percent confidence intervals were 0.49 (0.38 - 0.70), 0.49 (0.31 - 0.66), and 0.43 (0.23 - 0.83) for Site Water Test 1, Site Water Test 2, and 3:1 river water to nonchlorinated effluent tests respectively. The LC50 values did not vary significantly in these tests.

Late summer total ammonia LC50 values and 95 percent confidence intervals (binomial method in mg/l) for the channel catfish were 27.3 (21.4 - 35.9), 18.5 (7.4 - 27.4), 27.7 (13.9 - 32.9), 25.0 (13.7 - 32.6) for the lab water, site water, chlorinated effluent and nonchlorinated effluent tests respectively. Late summer unionized ammonia LC50 values and 95 percent confidence intervals were 0.61 (0.56 - 0.75), 0.69 (0.36 - 0.84), 1.4 (0.68 - 1.6), 1.2 (0.63 - 1.5) for the lab water, site water, chlorinated effluent, and nonchlorinated effluent tests respectively. The LC50 values did not vary significantly in these tests, although LC50 values from the effluent tests appear to be somewhat higher than the site water and lab water tests.

It was not possible to determine LC50 values for all of the mayfly tests. Total ammonia LC50 values and 95 percent confidence intervals (probit method in mg/l) were 7.2 (0 - 20.0) and 79.8 (25.9 -  $\infty$ ) for the site water and nonchlorinated effluent tests respectively. Unionized ammonia LC50 values and 95 percent confidence intervals for these same tests were 0.35 (0 - 0.72) and 3 (1.19 -  $\infty$ ). These tests indicate that mayflies were as sensitive or less sensitive to ammonia than catfish.

Forty-eight hour bluegill LC50 values for total ammonia and 95 percent confidence intervals (probit method mg/l) were 20.6 (16.7 - 25.2) and 8.7 (4.3 - 12.3) for laboratory and site water respectively. Corresponding forty eight hour LC50 values and 95 percent confidence intervals for unionized ammonia were 0.48 (0.41 - 0.56), and 0.45 (0.27 - 0.57) for lab water and site water respectively. Although total ammonia values appear to differ significantly in these tests, unionized ammonia LC50 values (the most toxic fraction) do not vary significantly.

Ninety-six hour bluegill LC50 values for total ammonia and 95 percent confidence intervals (probit method mg/l) were 16.1 (13.0 - 19.4), 13.0 (10.1 - 15.6), and 16.7 (14.8 - 18.9) for laboratory water, chlorinated effluent, and nonchlorinated effluent respectively. Corresponding 96 hour LC50 values and 95 percent confidence intervals for unionized ammonia are 0.40 (0 -  $\infty$ ), 0.63 (0.48 - 0.75), and 0.77 (0.68 - 0.87) for laboratory water, chlorinated effluent and nonchlorinated effluent respectively. These LC50 values do not vary significantly.

#### D. Calculation of the Water Effect Ratio

The indicator species approach to deriving site-specific criteria is based upon the calculation of a water effect ratio (below). This ratio accounts for the difference in the apparent toxicity of a contaminant in site water and a laboratory or reference water. The total water effect ratio for a given toxicant is defined as the geometric mean of the water effect ratios for all species tested.

$$\text{Water Effect Ratio} = \frac{\text{Site Water LC50}}{\text{Lab Water LC50}}$$

Measured LC50 values for a toxicant must be significantly different in the dilution waters to calculate a water effect ratio. Statistical significance is assumed when the 95 percent confidence intervals for the LC50 values do not overlap. When the confidence intervals do overlap, the water effect ratio is equal to one.

On the basis of these tests, the confidence intervals of the dilution waters overlap, therefore the water effect ratio is, in effect, equal to one. A water effect ratio equal to one would not result in any modification of the national criteria values.

#### IV. SUMMARY AND CONCLUSIONS

A Water Quality Criteria Modification demonstration project was conducted to evaluate the appropriateness of the acute criterion for ammonia in the Iowa River at Marshalltown, Iowa. On-site bioassays were conducted during winter and late summer in a mobile laboratory positioned upstream from the Marshalltown POTW which discharges to the Iowa River. A chemical survey of the Iowa River was conducted to determine instream concentrations of ammonia and other potential pollutants. In addition, a biological survey was conducted to evaluate periphyton, macroinvertebrate and fish community structure upstream and downstream from the confluence with the discharge canal.

Results of this investigation indicated that there were some trends in the number of species and individuals in the fish, invertebrate and periphyton communities downstream from the POTW outfall. However, the only obvious differences occurred in the samples collected from Impact Zone 1. At this station there was a substantial shift in relative abundance in the invertebrate community as compared to upstream and downstream from the outfall. However, whether this was the result of physical habitat or water quality limitations remains unclear.

On-site bioassays were designed to test the toxicity of ammonia to indigenous fish and invertebrate species in upstream (Control Zone) water, 1/4 non-chlorinated effluent and 3/4 Control Zone water, 1/4 chlorinated effluent and 3/4 Control Zone water and a standard recultured laboratory water. Tests were also conducted during winter and late summer to evaluate the influence of seasonal temperature differences on ammonia toxicity.

Results of these tests indicated no significant difference between laboratory water and site water. However, significant differences occurred

between the winter and late summer tests, and between tests with Control Zone water and 1/4 effluent: 3/4 control zone water tests.

These differences were attributed to differences in test temperature and pH which occurred between the two testing regimes. Although the EPA draft water quality criteria document (USEPA 1983) incorporates a correction factor for pH differences, evidence exists here that various temperatures may also cause significant difference in test results.

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## REGION VII STATES' PROVISIONS ON AMMONIA IN WATER QUALITY STANDARDS

### I. Missouri

A. Ammonia Numeric Criteria: State adopted acute and chronic criteria in December 1987 that were based on recalculations of the national EPA criteria using resident species approach. The criteria are slightly more stringent than that proposed for Iowa. The criteria apply at flows above 7Q10 even if the 7Q10 is zero.

B. Mixing Zones: Standards specify that no more than one fourth of area or volume of stream be used for a mixing zone. Draft implementation procedures (under development) would limit downstream distance to no more than one-half mile for some streams, less for others and allow up to 50 percent streamflow for dilution but this has not been approved by EPA. A Zone of Initial Dilution (or ZID) concept is being considered.

C. Permit Derivation Procedures: State is working on these as part of a SEA commitment.

### II. Nebraska

A. Ammonia Numeric Criteria: State adopted acute and chronic criteria in November 1989 that were based on recalculations of the national EPA criteria using resident species approach. The criteria are slightly more stringent than that proposed for Iowa and apply at flows above 7Q10.

B. Mixing Zones: Current Standards language says no more than one fourth of streamflow for a mixing zone. Proposed revisions would maintain that and add length downstream dimension (no more than seven times width for most streams). A ZID concept is under development with 2.5 percent of the 1Q10 flow a draft recommendation.

C. Permit Derivation Procedures: Under development to meet SEA commitment.

### III. Kansas

A. Ammonia Numeric Criteria: State is currently developing triennial review package. EPA has advised that existing one-number criteria (.07 mg/l, un-ionized ammonia) is inadequate. Current criteria apply at 7Q10 or 1 cfs whichever is greater.

B. Mixing Zones: Current Standards allow no more than one fourth of streamflow or cross-sectional area for a mixing zone and smaller streams must have the zone established on case-by-case basis. Revision package will address further changes.

C. Permit Derivation Procedures: Under development to meet SEA commitment.

APPOINTMENT - REPRESENTATIVE DAVID OSTERBERG

Representative Osterberg stated that he has heard that the Commission is ready to duck the ammonia standards as part of the water quality standards they are being asked to adopt, but he is not sure if that is true. His statement is as follows: "Ammonia seems almost benign when compared to some of the other things that are being regulated. I have had some experience with ammonia by participating in a DNR hearing in Columbus Junction on IBP, which follows a study done by UHL and DNR on what was happening below the outfall of IBP in the Cedar and Iowa Rivers. We found that even though IBP was discharging below what they could have been putting into the river, it was still having a grave effect on that river. Ammonia has to be dealt with. If you don't deal with ammonia, we are going to find fewer fish and less good conditions in our rivers. Secondly, whenever some of the representatives in the House want to do something, we come up with one of these stringency clauses which state our rules cannot go beyond what the federal government does, and it is always presented to us that we are somehow outrageous by wanting to go beyond what the federal government wants to do. Here is a case where the federal government is going beyond where we are, and we are now saying the federal government is somehow outrageous. We have to obey what experts tell us. When they tell us that things need to be done to protect the environment it is incumbent upon this Commission to pass that on to us and see what we can do about it. Realize we don't always like exactly what the federal government does. Their UST rules seem to go very far in their financial requirements of many gasoline operators. It seems that their requirements would have run a lot of our gas dealers out of business. Consequently, we came back last year and put out bonding for \$120 million to take care of that problem. When we are called upon we try to respond, and I think that we ought to be called upon by the Commission that is supposed to be doing environmental protection in this state. Conservation compliance required by the federal government between now and 1995 should substantially reduce soil erosion from Iowa and do something about the quality of our rivers. We are pushing sustainable agriculture and trying to do something about the nonpoint sources, and soil conservation should be an issue taken on quite aggressively this year in the legislature. We are trying to move on many fronts, but for the Environmental Protection Commission to decide that we do not need a new, more stringent ammonia standard is sending a bad signal to us in the House, and to the state of Iowa in general."

APPOINTMENT - REPRESENTATIVE DON SHOULTZ

Representative Shoultz thanked the Commission for allowing him to come over and take some of their time. He stated that he came

over to empathize with the Commission because of the pressure that is being brought to bear upon them by some of the cities and municipalities in the state, and how similar pressure is brought upon the representatives in the House when there are very difficult decisions to make. Legislators see their role as setting public policy and being able to balance the needs of the environment against the economic impact. He noted that they are in a position whereby if they make a decision that would set a public policy which is going to be costly to one segment of the economy, then they try to find a way to fund that public policy. He cited the LUST bill as an example where help was provided on funding. He informed the Commission that their decision is not whether or not the pollution is only going to last for so many thousand yards downstream, but whether or not there is an environmental impact. It is clear that when a stream is overloaded with ammonia there is an environmental impact. The decision the Commission will have to make is based upon whether or not there is environmental impact, not whether or not it is going to be costly if implemented. He stated that he believes that adopting the standards at the level that has been suggested by the EPA will be to the good benefits of all.

Discussion followed regarding funding for implementation of these rules.

Representative Schoultz stated that this is an instance in which a bonding proposal would be excellent because it is for the benefit of the next generation.

Representative Osterberg stated that if the legislature is given the charge they would have to respond somehow. He noted that the Commission should make the first decision by telling the legislature that there is an environmental problem. It is not up to the Commission to figure out how much money the state has; the legislature are the ones who have to find fiscal means to do what ought to be done to protect the environment.

Allan Stokes distributed a copy of the rules as they would look with the changes suggested in Commissioner Siebenmann's motion at last month's meeting. He asked the Commission to mark this version "B" and to mark the original version included in the agenda packet as version "A."

#### PUBLIC PARTICIPATION

##### ERICK ANDERSON

Erick Anderson, Spirit Lake, expressed concern that as drainage district facilities degenerate through time, until repair is

completed, they establish wildlife habitat. He related that they need to be assured that that secondary establishment of habitat is not used to impede the repair of these facilities. Mr. Anderson closed by stating that cities and towns rely on these drainage facilities to continue the very basic needs of the citizens of these areas, and they must be assured that that use is not impeded.

#### CRAIG OLSON

Craig Olson, Dubuque, stated that he would like to see a compromise in existing regulations because these regulations put the onus upon the discharger. He related that he questions whether there are \$600 million in benefits. He added that if there is no viable opportunity for site specific analysis too much money will be spent on correcting the problem.

#### BOB FREDERICK

Bob Frederick, President of Iowa Water Pollution Control Association, presented background information on the association. He expressed concerns with the numbers on the last four pages of the regulations. He related that he has no dispute with the criteria, but there are problems with the application or the implementation of these numbers to streams and directly to the communities and industries which discharge. Mr. Frederick stated that the major overkill is the application of these standards to specific streams and in generalizing them throughout the state. He noted that in putting them through numerical formulas the computer can say a community has a problem when we don't think they do. He also expressed concerns with the mixing zone regulations and proposed that modifications be made in the mixing zone regulations on (version A) page 4, under (4)c.(1) to allow 50% to 75% stream flow rather than the 25% stated. He recommended that in the last paragraph on page 4, following the words "A discharger" the words "to the Mississippi or Missouri Rivers" should be stricken, and also strike the last seven words of the paragraph which reads "and the flow restrictions for interior streams." He added that this would give all the communities that discharge in the state, on any stream, the right to do a site specific analysis of what their mixing zone is like and its effects upon the stream. He noted that computer modeling does not take into consideration the effects the discharge has upon the water quality of the stream.

Discussion followed regarding stream flows, mixing zone characteristics, site-specific study, and which states have adopted these rules.

JACK FISHER

Jack Fisher, Pocahontas County Supervisor and farmer, stated they have 130 drainage districts in his county and every five years, because of soil erosion, they have to be cleaned out. He related that his family farm assessment was \$7,000 two years ago when the drainage ditch was cleaned out, with a neighboring farm being assessed \$12,000. Mr. Fisher pointed out that drainage is very important to his area of the state because of the topography in the area. He asked the Commission to give consideration to testimony that was given yesterday regarding drainage districts and to their application to the proposed water quality rules. He added that you can have both drainage and sound water quality.

Allan Stokes reminded the Commission that water quality is not purely a state function resting in a confined area. Dischargers to the waters of the state impact other downstream users, and other states waters of the nation. The goal of the Clean Water Act is to provide that all waters are fishable and swimmable and usable for human consumption. Mr. Stokes commented that the cost for the proposed standards are probably overstated, but that we would rather err on the overstated side. The grants program is coming to an end, but in the next five years the federal government will be providing in excess of \$100,000,000 as seed money for the State Revolving Fund. Mr. Stokes stated that there are some who say this proposal is being brought to the Commission because EPA is forcing us to do this. He assured the Commission that the staff proposal is based on the belief that this is what is in the best interest of the environment of the State of Iowa, the best interest of the quality of the waters of the State of Iowa, and the natural resources of the State of Iowa. Mr. Stokes stated that the option of adopting only the toxics and leaving the ammonia standard as it is today is not acceptable as shown in EPA's response. He added that if the department does not address the ammonia situation, EPA will. He stated that there is nothing in these rules that changes the way the department has been doing business with drainage districts over the last 18 years. Nothing in these rules deny people the ability to drain their land, but what it does not give them is carte blanc, wholesale exemption that they can drain land without consideration of water quality impacts. Mr. Stokes noted that staff recommendation is to deny Nancy Lee Siebenmann's motion (tabled last month) and approve the standards as proposed by staff (version "A").

Larry Ferguson, EPA, responded that what the department has proposed, using the 25% mixing zone, is what EPA thinks is necessary to protect a full range of beneficial uses. He added that due to characteristics of a stream there may be some variability in the mixing zone and in some instances could maybe go more than 25%, but not on a blanket basis.

Discussion followed regarding what is specifically mandated by EPA; what would happen if the state delayed implementation of the rules; variability in mixing zones; and the possibility of adopting the criteria but not the implementation procedures.

Mr. Ferguson explained that Nebraska adopted criteria but they have not adopted implementation procedures, and as a result they have many permits they are not able to write. He added that the way to go is as Iowa is recommending with the full package to include criteria and implementation procedures.

Further discussion followed regarding ammonia criteria.

Nancylee Siebenmann stated that in light of the clarified and new information presented today, she would like to withdraw the motion that is on the board and would like to restate a new motion. Richard Hartsuck concurred with withdrawal of the motion.

*Motion was made by Nancylee Siebenmann to adopt the Water Quality Standards insofar as the criteria are concerned, with the ammonia implementation to be reworked taking into consideration the characteristics of Iowa's waters and the recommendations of the Iowa Water Pollution Control Association, particularly regarding the site-specific evaluation whether that is the responsibility of the department or the site entity.*

Margaret Prah1 commented that she was not clear on what "ammonia implementation" means in reference to Commissioner Siebenmann's motion.

Nancylee Siebenmann responded that what she is referring to is the generic kind of modeling that presently determines the ammonia implementation, and therefore the need for all of these water treatment plants that do not specifically meet that model to upgrade, whether or not a problem can be shown, or whether or not they have already in place all that they need to have the end result meet the criteria. She clarified that what she is saying is that the ammonia implementation aspect of these standards would be reworked even though the Commission would accept the criteria and adopt the rules at this time.

Margaret Prah1 stated that the implementation strategy described in the rule does not make a distinction between ammonia and other things, so she would second the motion if the word ammonia was dropped.

Commissioner Siebenmann stated that she would like to go with her original motion.

*Rozanne King seconded Commissioner Siebenmann's motion.*

Motion was made by Margaret Prah1 to adopt Item 12, from 61.3(3) to the end of the rules on page 13 (version "A") and rework the implementation provisions.

Motion failed for lack of a second.

Mr. Stokes commented that Commissioner Siebenmann's motion requires staff to rework the rules but the Commission has not clarified how they want it reworked.

Nancylee Siebenmann stated that she would be interested in seeing staff come back with the ability for site-specific evaluation, and she has no strong objection to the cost being the responsibility of the site entity. The intent is not to apply generic implementation strategies where there may not be a problem.

Mr. Stokes responded that could be clarified by simply adopting the rules and amend the section (bottom of page 4, version "A") that provides for the ability for site-specific application on interior streams as well as border streams.

A very lengthy discussion followed in regards to adoption of criteria with numerical standards, stream flow and mixing zones, variability factors, implementation strategy, EPA mandates and deadlines, and compliance schedules.

Clark Yeager stated that before a vote is taken he would like to hear Commissioner Siebenmann's wording of yesterday in regards to the drainage ditch situation.

Nancylee Siebenmann remarked that it was stated by Margaret Prah1, but the suggestion was that these rules are not intended to prevent drainage districts from maintenance on a routine basis, as provided by the present Iowa Code.

Commissioner Yeager asked Commissioner Siebenmann if she would be willing to move that as an amendment.

Commissioner Siebenmann responded that the reason she did not include that exemption is that she feels the main concern is getting the standards adopted with the criteria and reworking the implementation. She added that from what she has heard, the drainage ditches will be treated under this rule according to the viability for maintaining the fish population and so forth, and therefore she did not include it in the motion.

Clark Yeager stated that he thought, from the presentations given, that these folks wanted to be acknowledged that there were drainage districts and they were paying for the work that was done to them. They also wanted to go ahead and be able to do work as they had done in the past.

Motion was made by Clark Yeager to offer Nancylee Siebenmann's wording, in regards to exempting drainage districts from the rules to allow for maintenance, as an amendment to her motion. Seconded by Gary Priebe.

Richard Hartsuck commented that if language is going to be added to protect an imagined fear of a specific group he would then offer an amendment to guarantee any factory in Iowa holding an NPDES permit their right to discharge water in perpetuity and to alter any stream that is necessary to receive that water. He added that Mr. Stokes repeatedly stated that there is no change in the risks to the drainage district and no one refuted that on factual grounds. He related that if we are going to protect one group, then we should protect them all.

Chairperson Mohr requested a roll call vote on Clark Yeager's amendment to exempt drainage districts from the Water Quality Standards rules. "Aye" vote was cast by Commissioners King, Priebe, Yeager, and Mohr. "Nay" vote was cast by Commissioners Earley, Ehm, Hartsuck, Prahl, and Siebenmann. Motion failed on a vote of 4-Aye to 5-Nay.

Chairperson Mohr requested a roll call vote on Nancylee Siebenmann's original motion to adopt the Water Quality Standards insofar as the criteria are concerned, with the ammonia implementation to be reworked taking into consideration the characteristics of Iowa's waters and the recommendations of the Iowa Water Pollution Control Association, particularly regarding the site-specific evaluation whether that is the responsibility of the department or the site entity. "Aye" vote was cast by Commissioners King, Prahl, Priebe, Siebenmann, Yeager, and Mohr. "Nay" vote was cast by Commissioners Earley, Ehm, and Hartsuck. Motion carried on a vote of 6-Aye to 3-Nay.

Following a lunch break, discussion continued regarding the Water Quality Standards rules.

Margaret Prahl stated that she feels the Commission should clarify what effect Commissioner Siebenmann's motion will have on the rule.

Nancylee Siebenmann stated that the Commission adopted the standards in regards to criteria for the allowable levels, but how it will be implemented she does not know and she suggested that the Commission take a look at Item 7 in the rule. Commissioner Siebenmann then asked Mr. Stokes what would happen if Item 7, page 3 (version A) is deleted.

Margaret Prahl commented that if everything except Item 7 were adopted, the Commission would have adopted the SOC's, the ammonia standards, and would need to look at reworking of Item 7 in regards to mixing zones, water characteristics, and site-specific criteria.

Mr. Stokes responded that without Item 7 it would leave in place the current implementation process which, in some instances, would cause problems in translating into permits.

Nancylee Siebenmann asked Mr. Ferguson if the Commission were to delay the reworking of Item 7, if the rest of the rules would be acceptable to EPA for the February 4 deadline (with the intent that something will be done to adjust Item 7).

Mr. Ferguson stated that the February 4 deadline applies to adoption of criteria and also to issuance of permits where you have permittees that are exceeding that criteria. In order for DNR staff to write the permits they need the implementation procedure. He added that if the Commission were to adopt Item 7 as applied to the priority pollutants, permits could be written to meet the February deadlines but there would be a need to assure EPA that the Commission will proceed immediately to develop something acceptable for the ammonia issue.

*Motion was made by Margaret Prah1 to adopt Item 7 only insofar as it applies to the primary pollutants and that staff be directed to rewrite Item 7 in regards to ammonia application. Seconded by Nancylee Siebenmann.*

Margaret Prah1 suggested that the reworking of this item be distributed to the Commission before the next meeting along with a summary of what it does, using a format similar to the item brief presented by Teresa Hay on her items.

Clark Yeager asked if an economic impact statement would be desired to show cost estimates as a result of the recommended rule changes.

*Margaret Prah1 stated that she would agree to that as part of her motion. Nancylee Siebenmann concurred.*

Mr. Stokes stated that it would not be possible to get the information to the Commission by the next meeting if they want economic impact statements on a list of options. He added that it probably could be ready by the March meeting.

Mike Earley voiced his objection to cavalierly changing a well thought out staff recommendation on what the Commission should do about this threat to the environment.

Chairperson Mohr requested a roll call vote on Margaret Prah1's motion. "Aye" vote was cast by Commissioners Ehm, Hartsuck, King, Prah1, Priebe, Siebenmann, Yeager, and Mohr. "Nay" vote was cast by Commissioner Earley. Motion carried on a vote of 8-Aye to 1-Nay.

*Motion was made by Margaret Prah1 that the Commission request a resolution that the Iowa Legislature appropriate funds to make available to communities to defray the costs of construction that*

may be mandated by this rule, and of site-specific studies that may be mandated by the necessity of showing specific rationale for deviations from the rules. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

Discussion followed regarding exactly what changes should be made by staff.

Margaret Prah1 suggested that amendments to Item 7 include an adjustment to the mixing zone so that 25% is not the default amount of the mixing zone that may be used, and that it be somewhere between 25% to 50% with a rationale for that acceptance. Also, that Item 7 be changed to require an enumeration of the in-stream data which will technically support the allowance of an increased percentage above the new default flow.

#### REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4).

Nozey Habhab, et al. (Fort Dodge) - penalty  
City of Lynnville - wastewater monitoring  
Iowa County Landfill - solid waste  
Alta Vista Homeowners Assoc. (Ames) - penalty

#### Iowa County Landfill

Mr. Murphy stated that this case deals with operational violations primarily dealing with daily cover, as well as drainage and erosion problems. He noted that these matters were previously addressed in an Administrative Order in May, 1987. Mr. Murphy distributed photos depicting cover problems and expanded on details of the case.

#### DON TORNEY (Iowa County Landfill)

Don Torney, Administrator for Rural Environmental Improvement Commission (REIC) of Iowa County, distributed a letter to the Commission outlining views he would like the Commission to consider in this matter. He stated that in the past when the

landfill received notices of violation they have made an effort to comply with the notices. Mr. Torney pointed out that the Iowa County Landfill permit has always been in the name of Glenn Wolter who is the property owner, and the Administrative Order of 1987 was made out in the name of the REIC and Glenn Wolter. The Administrative Order received this last fall was also made out in the name of Mr. Wolter. He related that REIC is in dispute with Mr. Wolter over ownership of the landfill site and litigation is pending in that matter. He added that for that reason the REIC cannot do what they want in regards to these environmental issues. Mr. Torney asked the Commission to consider the legal aspects they are in when making a decision on this.

Margaret Prah1 asked if the landowner has barred the landfill operator from the site.

Mr. Torney reponded that he has not. He added that if REIC is referred, he feels it is appropriate that both his agency and Glenn Torney be referred.

Clark Yeager commented that Mr. Wolter, as the permit holder, would likely be the ultimate person responsible.

Discussion followed regarding same and Mr. Murphy stated that normally staff looks to the permit holder as the responsible person, but since he is not involved in the day-to-day operation it was felt that the REIC should be responsible

*Motion was made by Mike Earley for referral to the Attorney General's Office. Seconded by Margaret Prah1.*

Clark Yeager asked if Mr. Wolter's name could be added to the referral.

Mr. Murphy stated that he will ask the Attorney General to consider Mr. Wolter's liability.

*Motion carried unanimously.*

#### City of Lynnville

Mr. Murphy stated that this case involves the city's wastewater treatment facility and its permit for same. They have ongoing problems obtaining timely submission of monthly wastewater operation reports. He expanded on details of the case including an Administrative Order in 1988 for the same reasons. After issuance of the Administrative Order the reports came in until February 1989 at which time they again stopped coming in. In November 1989, the department received the reports from March through October 1989. The November and December 1989 reports were recently received. Mr. Murphy explained some errors that were made on BOD reporting and asked that they retract the portion of the report stating there could be poor operation

involved. Staff is seeking referral for an injunction to require compliance and for the appropriate civil penalties.

DALE SCHNELL - (City of Lynnville)

Dale Schnell, operator of Lynnville's wastewater treatment facility, stated that he is the person who is supposed to send in the reports. He related that they have a chemist who sends the information to him and he (Mr. Schnell) fills out the reports from this information. He noted that in the beginning he did not understand how to fill out the report, but he is now doing them and he will do his best in the future to get them in.

DAVE VANDERLINDEN - (City of Lynnville)

Dave Vanderlinden, Mayor of Lynnville, stated that he was not made aware of this reporting problem until very recently. He related that as far as his responsibility as Mayor he will check on it more diligently than has been done in the past.

Clark Yeager asked if this case could be negotiated without being referred to the Attorney General.

Mr. Murphy stated that they are already under Administrative Order and have paid a fine. He added that it would depend on what the appropriate fine level is, the normal procedure is that one Administrative Order is issued and then it goes to court.

Clark Yeager asked if the Commission can give staff authority to negotiate a settlement rather than send it to the Attorney General.

Mr. Murphy stated that an injunction should be sought since there has already been an Administrative Order issued and that is as formal as the department can get.

Mr. Vanderlinden stated that the city clerk has not informed him and the city council of the penalty and Administrative Order and he will have to see to it that there is more diligent communication between them. He added that this was not done intentionally and they will work with the department on a more diligent basis than in the past.

*Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Mike Earley. Motion carried unanimously.*

Nozey Habhab

Mr. Murphy briefed the Commission on the history of this case involving open burning of a demolished house. Referral is sought to collect penalty and interest.

*Motion was made by Clark Yeager for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.*

Alta Vista Homeowners Association

Mr. Murphy briefed the Commission on the history of this case.

*Motion was made by Margaret Prah for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.*

PROPOSED CONTESTED CASE DECISION--DONALD P. ERVIN

On September 22, 1989, the department issued Administrative Order 89-SW-40 to Donald P. Ervin, d/b/a Midwest Tire Disposal. That action ordered Mr. Ervin to cease accumulation, storage and shredding of tires until he obtained a permit from the department, and assessed an administrative penalty of \$1,000.00. That action was appealed and the matter proceeded to administrative hearing on November 2, 1989. The hearing officer issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on January 3, 1990. The decision generally upholds the department's Order, except that he is allowed to maintain existing waste tires on site during a prescribed period for applying for and obtaining a permit.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the hearing officer's decision unless there is an appeal.

PROPOSED CONTESTED CASE DECISION--HOWARD R. MCKEE

On August 8, 1989, the department billed Howard R. McKee \$552.00 for reimbursement of costs incurred in abating a hazardous condition. Mr. McKee appealed and the matter proceeded to

administrative hearing on November 15, 1989. The hearing officer issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on January 2, 1990. The decision affirms the department.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the hearing officer's decision unless there is an appeal.

APPEAL OF PROPOSED CONTESTED CASE--PAUL KLOBERDANZ d-b-a THE MART

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item. On May 16, 1989, the department issued Administrative Order No. 89-UT-08 to Paul Klobberdanz, d/b/a the Mart. That action ordered Mr. Kolberdanz to submit to the department a soil and groundwater investigation plan and a soil and groundwater remediation plan, to implement those plans, and to pay a \$1,000.00 penalty. That action was appealed and the matter proceeded to administrative hearing on September 12, 1989. The hearing officer issued the Proposed Findings of Fact, Conclusions of Law, and Order on October 20, 1989. The decision affirms the department's Order, except for the penalty.

Mr. Klobberdanz has appealed this order to the Commission. The Proposed Decision, and written briefs of the parties, have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy stated that this item is different from the previous items in that it is an appeal of an Administrative Law Judge's decision. He briefed the Commission on the history of this case.

*Motion was made by Margaret Prah1 to uphold the hearing officer's decision of denial for rehearing. Seconded by Richard Hartsuck. Motion carried with Clark Yeager abstaining as Mr. Klobberdanz is a personal friend of his.*

PROPOSED CONTESTED CASE DECISION--MODERN MANOR MOBILE HOME PARK

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item. On August 25, 1989, the department issued Administrative Order 89-WS-53 to Modern Manor Mobile Park. That action assessed a \$200.00 penalty, among other things. That action was appealed and the matter proceeded to administrative hearing on November 24, 1989. The hearing officer issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on December 12, 1989. The decision modifies the penalty to \$150.00.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the hearing officer's decision.

PROPOSED RULE--CHAPTER 23, EXEMPTION FROM OPEN BURNING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission requested that staff draft a rule that would provide Cities and Towns the option of conducting the open burning of trees and tree trimmings at locations other than the premises upon which the trees and tree trimmings originate.

Staff will present a copy of "draft" rules, as requested by the Commission, at the meeting for the Commission's consideration.

Exemption to allow the open burning of trees and tree trimmings not originating on the premises.

Item 1. Subrule 23.2(3)b(455B) is amended as follows.

Replace Subrule 23.2(3)b in its entirety with the following:

b. Trees and tree trimmings. The open burning of trees and tree trimmings not originating on the premises provided that the burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-half mile from any inhabited building. However, when the open burning of trees and tree trimmings causes a nuisance, the department may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings. (Before operating a tree and tree trimming burning site the local governmental entity must obtain a sanitary disposal project permit as required by Rule 567--102.1(455B), Iowa Administrative Code.)

Item 2 Subrule 23.2(4)(455B) is amended as follows:

23.2(4) Unavailability of exemptions in certain areas. Notwithstanding 23.2(2) and 23.2(3) "b", "d" and "f", no person shall allow, cause or permit the open burning of trees or tree trimmings, residential or landscape waste in the cities of: Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, Clive, Windsor Heights, Urbandale, and Pleasant Hill.

This rule is intended to implement Iowa Code section 455B.133

Note: The current Subrule 23.2(3)b exempts the open burning of diseased trees. Diseased trees would be exempt from the open burning prohibition under the revised Subrule 23.2(3)b set out above.

Mr. Stokes distributed a copy of draft rules and explained same.

Mr. Stokes stated that Richard Hartsuck requested information be provided on the cost of wood chippers at landfills. A small brush chipper would cost about \$15,000. A large chipper that will take tree trunks about 10 to 20 inches in size would cost about \$200,000. Des Moines has an area at the old Harriet Street dump site whereby tree limbs and cuttings can be taken and it is available for anyone to saw it up and use it for firewood.

Discussion followed regarding what is meant by "rubbish" and also by "nuisance". It was decided to change the word nuisance to something more appropriate.

This was an informational item; no action was required.

PROPOSED RULE--CHAPTER 135, UNDERGROUND STORAGE TANK REMEDIATION AND CLEANUP

Staff will present the Commission with proposed rule language which would establish remedial action and cleanup guidelines applicable to underground storage tank situations.

(Proposed rule is shown on the following 4 pages)

Under the authority of 455B.474(1) the following amendments to Chapter 567---135(455B) are being made.

ITEM 1. Amend rule 567---135.7(455B), "Release response and corrective action for UST systems containing petroleum or hazardous substances," by adding the following new subrule:

135.7(9) Contamination corrective action levels.

The following corrective action levels apply for petroleum contamination as regulated by Chapter 135. The contaminant concentrations must be determined by laboratory analysis. Final cleanup determination is not limited to these contaminants.

	Total Organic Hydrocarbon (TOH)	Benzene	Toluene	Xylene
Soil	50 mg/kg	---	---	---
Groundwater	---	5 ug/L	2,420 ug/L	12,000 ug/L

ITEM 2. Rescind subrule 567---135.8(3) and replace it with the following:

135.8(3) Assessing the site at closure or change in service.

a. Before permanent closure or a change in service is completed, owners or operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting the sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release. For soil and groundwater samples at petroleum UST sites, a minimum of the following contaminants must be analyzed with each concentration re-

ported separately: total organic hydrocarbons (as the product in the tank: gasoline, diesel, oil, etc.), benzene, toluene, and xylene. All such samples shall be collected and reported separately and submitted to a qualified laboratory for analysis within 48 hours of collection. Samples shall be refrigerated and protected from freezing during shipment to the laboratory.

b. For all permanent tank closures or changes in service, at least one water sample must be taken from the first saturated groundwater zone via a monitoring well or borehole. The well or borehole must be located downgradient from and as close as possible to the excavation but no further away than 20 feet.

c. For permanent closure by tank removal, the minimum number of soil samples that must be taken depends on tank size. Samples must be taken at a depth three feet below the base of the tank along the tank's centerline as follows:

Nominal Tank Capacity (gallons)	Number of Samples	Location on Centerline
1,000 or less	1	center of tank
1,001 - 8,000	2	1/3 from ends
8,001 - 30,000	3	5 feet from ends and at center of tank
30,001 - 40,000	4	5 and 15 feet from ends
40,001 and more	5	5 and 15 feet from ends and at center of tank

Soil samples must also be taken at least every ten feet along product piping at a depth of three feet below the piping. If contamination is suspected or found in any area within the exca-

vation (i.e. sidewall or bottom), a soil sample must also be taken at that location.

d. For closing a tank in place by filling with an inert solid material or for a change in service, the minimum number of soil borings required for sampling depends on the size of the tank. Soil samples must be taken within five feet of the sides and ends of the tank at a depth of three feet below the base of the tanks at equal intervals around the tank. The minimum number of soil borings and samples required are as follows:

Nominal Tank Capacity (gallons)	Number of Samples	Location of Samples
6,000 or less	4	1 each end and each side
6,001-12,000	6	1 each end and 2 each side
12,001 or more	8	1 each end and 3 each side

Soil samples must also be taken at least every ten feet along product piping at a depth of three feet below the piping.

e. A closure report must be submitted to the department within thirty (30) days of completion of soil and water sample analyses. The report must include all laboratory analytical reports, well or borehole construction details and stratigraphic logs, and a dimensional drawing showing location and depth of all tanks, piping, sampling, and wells or boreholes.

f. The requirements of this subrule are satisfied if one of the external release detection methods allowed in 135.5(4)"e" and "f" is operating in accordance with the requirements in 135.5(4) at the time of closure, and indicates no release has occurred.

g. If contaminated soils, contaminated groundwater, or free product as a liquid or vapor is discovered under paragraph "a",

or by any other manner, owners and operators must begin corrective action in accordance with rule 135.7(455B).

ITEM 3. Amend Rule 567---135.8 by adding the following new subrule 135.8(4) and renumbering the existing subrule and those that follow.

135.8(4) Overexcavation of contaminated soils at closure.

a. If contaminated soils are discovered while assessing a site at closure in accordance with 135.8(3), owners and operators may overexcavate the contaminated soils during closure. The contamination and overexcavation must be reported to the department in accordance with the requirements of 135.6(4)"a" and prior to backfilling the excavation. Initial soil samples required in 135.8(3)"c" and "d" must be taken in the contaminated areas prior to overexcavation.

b. Excavated contaminated soils must be properly disposed in accordance with chapters 567---100, 101, 102, 120, and 121(455B) of the Iowa Administrative Code.

c. Soil sampling must be done following overexcavation. At a minimum, one soil sample must be taken for every 100 square feet of the base and sides of the excavation. The sample locations should be equally spaced from each other. When sampling, areas still suspected of being contaminated or previously showing contamination must be sampled. The soil samples must be analyzed in accordance with paragraph 135.8(3)"a".

d. A report must be submitted to the department within thirty (30) days of completion of the laboratory analysis. The report must include the requirements of 135.8(3)"e" and a dimensional drawing showing the depth and area of the overexcavation.

Mr. Stokes distributed copies of the proposed rules and gave a detailed explanation of same.

A brief discussion followed.

This was an informational item; no action was required.

#### GENERAL DISCUSSION ITEMS

Rozanne King asked about scrappies disease in sheep and related that some rendering plant are not taking them as the disease can get back into the food chain.

Mr. Stokes explained that he met with interested groups and discussed the on-farm disposal issue. He added that some recommendations were made and he will bring those rules before the Commission next month.

Chairperson Mohr commented that the REAP regional assembly meetings will be taking place during February and March and she encouraged the Commissioners to attend the meeting in their area if possible.

#### NEXT MEETING DATES

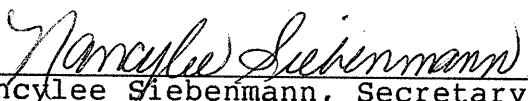
February 19-20, 1990

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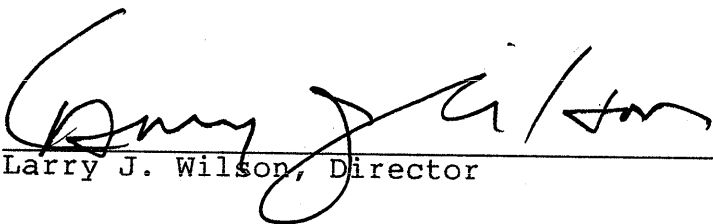
#### ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Mohr adjourned the meeting at 3:30 p.m., Wednesday, January 17, 1990.

  
\_\_\_\_\_  
Nancy Lee Siebenmann, Secretary

January 1990

Environmental Protection Commission Minutes



A handwritten signature in dark ink, appearing to read "Larry J. Wilson", is written over a horizontal line. The signature is fluid and cursive, with the first name "Larry" and last name "Wilson" clearly distinguishable.

Larry J. Wilson, Director

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